Surry County

LAWS

OF

NORTH-CAROLINA.

At a GENERAL ASSEMBLY, begun and held at Fayetteville, on the Second Day of December, in the Year of our Lord One Thousand Seven Hundred and Ninety-Three, and in the Eighteenth Year of the Independence of the said State: Being the First Session of the said Assembly.

1793.

RICHARD DOBBS SPAIGHT, Esq. Governor.

CHAP. 1.

An Act to carry into effect an act of Congress, entitled, "An act more effectually to provide for the national defence, by establishing an uniform militia throughout the United States;" also to amend an act, passed at Fayetteville, in the year one thousand seven hundred and eighty-six, entitled, "An act for establishing a militia in this state."

I. BE *it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same,* That in order to carry into effect the above recited act of Congress, the militia of this state be arranged into brigades and divisions, in the following manner, *that is to say,* the district of Edenton, the first brigade; the district of Newbern, the second brigade; the district of Wilmington, the third brigade; the district of Fayetteville, the fourth brigade; the district of Halifax, the fifth brigade; the district of Hillsborough, the sixth brigade; the counties of Rowan, Montgomery, Cabarrus, Mecklenberg and Iredell, shall compose the seventh brigade; and the counties of Rockingham, Stokes, Surrey and Guilford, shall compose the eighth brigade; and the district of Morgan, the ninth brigade; and that the first and second brigades shall compose the first division; that the third and fourth brigades compose the second division; that the fifth and sixth brigades compose the third division; and that the seventh, eighth and ninth brigades shall compose the fourth division.

Militia of this state arranged into brigades & divisions.

II. *And be it further enacted,* That one Major-General be appointed by joint ballot of both houses to command each division, who shall have the power to appoint two Aids-de-Camp; and that one Adjutant-General be also appointed by joint ballot of both houses of the General Assembly, whose duty it shall be to carry into effect said act of Congress and militia laws of this state, so far as comes within the line of that department.

Officers to be appointed by the Gen. Assembly.

Adjutant-General's duty.

III. *And be it further enacted,* That the several regiments in each brigade shall be numbered according to the dates of the commission of the Colonels or officers commanding them respectively at the end of the present session.

Regiments to be numbered.

IV. *And be it further enacted,* That the officers of the militia in each county, shall have full power to divide their regiments respectively into regiments and battalions, agreeable to the directions of Congress, and to appoint their several places of holding their regimental and battalion musters and courts martial, except where they may be, or have been heretofore, divided and appointed by law, any thing to the contrary notwithstanding: *Provided always,* That no regiment or battalion shall be formed of a less number than is by the act of Congress directed.

Officers power in each county as to the division of their regiments, appointing place of muster, &c.

V. *And be it further enacted,* That all persons who have entered in the cavalry, and have failed to equip themselves agreeable to law, or shall fail to do the same within twelve months after the passing of this act, shall be returned to the infantry; nor shall any person hereafter be excused from doing duty in the infantry, notwithstanding his enrolment in the cavalry, until such person equips himself completely for the same. *Provided always,* That nothing contained in this act shall be construed to do away or abolish the present regiments of horse, or of artillery or independent companies in this state.

Those of the cavalry not equipped, to be returned to the infantry, &c.

Proviso.

VI. *And be it further enacted,* That there shall be one general or battalion muster in each year in every county within this state, and one private muster once in every three months, under the same rules and regulations as directed by the before recited acts.

Musters.

VII. And

1793.

Manner of proceeding as to fines, &c.

VII. *And be it further enacted*, That in all cases where fines have been heretofore triable and recoverable before a Justice of the Peace, the same shall be tried by a proper court martial; and to compel payment of such fines, the president of the court martial is hereby empowered and required without delay to issue execution, which shall be served in case of a commissioned officer by the Adjutant of the regiment to which he belongs, who shall over and above such fine levy for his own use the usual fees allotted to Sheriffs for such services. And all executions against a non-commissioned officer or private shall be served by a Sergeant of the company, who shall over and above the fine collect for his trouble the usual fees allowed to Constables for such services. *Provided always*, That all fines imposed by the before recited act shall in every instance be reduced one half.

Officers to make returns.

VIII. *And be it further enacted*, That the commanding officer of each brigade shall annually make a just and true return of his brigade to the Major-General of his division, under the same penalty he was liable to pay for not making return to the Governor; and the Major-General shall forward in due time a return of his division to the Adjutant-General of this state.

Repealing clause

IX. *And be it further enacted*, That so much of an act of the General Assembly, entitled, "An act for establishing a militia in this state," as comes within the purview and meaning of the before recited act of Congress, be and the same is hereby repealed and made void.

CHAP. II.

An Act for altering the time of the next annual meeting of the General Assembly of this state.

Time of meeting of the General Assembly.

To choose a Governor, &c.

How long this act in force.

I. BE *it enacted by the General Assembly of the state of* North-Carolina, *and it is hereby enacted by the authority of the same*, That the next annual meeting of the General Assembly shall be on the thirtieth day of December next; and that it shall and may be lawful for the next Assembly, at their first annual meeting, to choose a Governor and other officers of state, to succeed such as are now chosen by the General Assembly; and that this law be and continue in force until the next annual session of the General Assembly, and until the end thereof, and no longer.

CHAP. III.

An Act to prevent the introduction and communication of contagious diseases.

WHEREAS the suffering vessels to come into any of the ports of this state, with any person or persons on board infected with any contagious disorder, or coming from any place where any such disorder prevails, would greatly endanger the health and lives of the inhabitants of this state:

Commissioners of navigation, &c. to meet and appoint a place for vessels infected to perform quarantine.

Penalty on master and pilot of any vessel having on board an infectious disease not anchoring at the place appointed, &c.

Crew to be examined, &c.

I. *Be it therefore enacted by the General Assembly of the state of* North-Carolina, *and it is hereby enacted by the authority of the same*, That on the second Monday in April one thousand seven hundred and ninety-four, or as soon thereafter as may be, the Commissioners of navigation in the respective ports and inlets of this state, and where there are no Commissioners, any three Justices of the Peace convenient to said ports or inlets, shall meet together and appoint such place or places as they may think proper for vessels to perform quarantine; and when a vessel shall arrive at any of the said ports or inlets having an infectious distemper on board, or which came from any place that was at the time of her sailing, or shortly before, infected with any malignant disorder, the master and pilot of the vessel shall anchor her at the place so appointed, under the penalty of five hundred pounds, to be paid by the said master or pilot, and give immediate information thereof to the Commissioners of navigation, or where there are no Commissioners, to the nearest Justice of the Peace, who with two others to be summoned by him, or any three of the Commissioners aforesaid, shall thereupon cause such vessel and her crew to be examined by at least one experienced physician, where to be had, upon whose report in writing, which said physician is required to make, and on other information they may receive, it shall and may be lawful for any three of such Commissioners, and where no Commissioners, any three neighbouring Justices, to order and command the master of the vessel, crew and passengers to perform quarantine, as by them shall be deemed most proper and requisite to check or prevent any infectious distemper from spreading in this state; and every person on board such vessel directed to perform quarantine, shall from time to time during such quarantine obey all and every order given by the authority of the said Commissioners or Justices respecting the victualling, purifying and cleansing of such vessel, and all persons and articles on board, and the intercourse of the said persons with the inhabitants of this state, the receiving any person on board or putting them on shore. And if the said pilot or master shall neglect or refuse to give such information as above required, the pilot for such neglect or refusal shall forfeit and pay the sum of fifty pounds; and the master, for the like neglect or refusal, shall forfeit and pay the sum of one hundred pounds. And in case the master of any vessel so ordered to perform quarantine, shall refuse to comply with or fail to fulfil the orders of the Commissioners, or Justices of the Peace, where there are no Commissioners, for performing quarantine with his vessel as aforesaid, he shall forfeit and pay the sum of one hundred pounds for each day he shall fail to proceed and perform the quarantine ordered by the Commissioners or Justices of the Peace, as in this act directed; for which forfeiture or forfeitures the property of the said Captain, with the vessel and cargo, shall be liable; *provided* it shall appear

To obey the orders of the Commissioners, &c.

Pen. on pilot & master not giving the necessary notice.

On the master for not fulfilling the orders of the Commissioners.

Capt. vessel and cargo liable for the forfeitures.

appear that the breach of the orders of the Commissioners or Justices as aforesaid, was by the consent of the owner or consignee; but if the owner or consignee did not consent, then and in that case the master of such vessel only shall be liable, to be recovered and applied in such manner as herein after directed.

Proviso.

II. *And be it further enacted*, That when any vessel shall be directed to perform quarantine as aforesaid, and any seaman or passenger shall, contrary to the order and direction of the Commissioners or Justices of the Peace as aforesaid, leave the said vessel and land on any other place than the said Commissioners or Justices shall allow of, each and every person so offending, shall forfeit and pay the sum of one hundred pounds for each and every offence; and where the person or persons so offending shall not be able to pay the said forfeiture, and it can be made appear that they left the vessel with the master's consent, either express or implied, the said master shall be liable to pay the said penalty of one hundred pounds, for each and every such offence of any of his passengers or seamen.

Pen. on seamen or passengers for leaving the vessel contrary to order of the Commissioners, &c.

III. *And be it further enacted*, That when any vessel shall be as aforementioned directed to perform quarantine, and any person or persons knowing of such order, either by the information of the master or otherwise, shall go on board of such vessel or vessels, each and every person so going on board shall forfeit and pay the sum of fifty pounds. And if any person or persons shall be permitted by the master of such vessel to come on board without informing him or them of the order and directions of the Commissioners or Justices of the Peace, the said master shall be liable to pay the sum of one hundred pounds for each and every person so offending, and the sum of two hundred pounds for suffering any person so on board to depart his vessel without leave of the Commissioners or Justices aforesaid. And the said Commissioners or Justices are hereby empowered to order every person who shall go on board any such vessel, to remain there for such length of time as they may think proper, and if they disobey such order they shall be liable to pay the sum of fifty pounds.

What penalties persons liable to for going on board, &c.

IV. *And be it further enacted by the authority aforesaid*, That the Commissioners or Justices aforesaid shall, and they or a majority of them respectively are hereby empowered, to issue their warrant to any Sheriff or other lawful officer, commanding him to take the body of any person that may have left any vessel ordered as aforesaid to ride quarantine, and carry or cause to be carried him or her on board of said vessel. And the said officer is hereby empowered to summon such persons to assist him in the execution of said warrant as he may think fit.

Commissioners power to have apprehended any person leaving a vessel performing quarantine, &c.

V. *And be it further enacted*, That if any master of a vessel ordered to ride quarantine, shall convey, cause, or permit to be conveyed any article or articles of goods, wares and merchandize from on board his vessel, on any other land or into any other boat or vessel than the said Commissioners or Justices shall authorise, he shall be liable to pay the sum of one hundred pounds for each and every offence. And any other person so conveying or causing to be conveyed any article or articles as above mentioned, shall be liable to the like penalty in like manner.

Pen. for landing goods, &c. contrary to orders.

VI. *And be it further enacted by the authority aforesaid*, That the said Commissioners or Justices may, whenever they think proper, require from any master of a vessel, on his arrival in this state, to declare on oath the state of the health of himself, crew and passengers, and of the place from whence he came. And if any master shall give a false declaration, or any physician shall wilfully give a false certificate of the health of the persons on board any vessel so entitled, he shall forfeit and pay the sum of one thousand pounds.

Master to give a state of the health of the crew, &c. if required.

VII. *And be it further enacted*, That the Commissioners or Justices are hereby empowered and directed to furnish any vessel ordered to ride quarantine as aforesaid with a sufficient quantity of good wholesome provisions, for the expence of which the master, vessel and cargo shall be liable.

Vessel to be furnished with provisions, &c.

VIII. *And be it further enacted*, That all fines, penalties and forfeitures herein mentioned, shall be recovered by action of debt in any Court having cognizance thereof, one half to the informer, the other half to be applied to the repairing public wharves, docks, and clearing the channel of any port where the same shall be recovered. *Provided nevertheless*, That this act shall not commence and be in force until the first day of April next.

Fines how recoverable.

When this act in force.

IX. *And be it further enacted*, That all laws, clauses and parts of laws heretofore made, that come within the meaning and purview of this act, be and the same are hereby repealed and made void.

Repealing clause

CHAP. IV.

An Act to alter and amend the act for the benefit of Insolvent Debtors.

WHEREAS by the first and seventh sections of an act of the General Assembly of North-Carolina, entitled, "An act for the relief of insolvent debtors, with respect to the imprisonment of their persons," it is provided that debts and judgments against persons having taken the benefit of the said act shall be held to be fully satisfied, and that no execution whatever shall by virtue thereof issue against any estate which such insolvent debtor or debtors may afterwards acquire: And whereas it hath been experienced that the said sections are frequently productive of inducing fraudulent conveyances, to the injury of just creditors, and appear to this General Assembly against good morals:

I. *Be*

1793.

Part of former act repealed.

Execution may issue against any estate afterwards acquired by an insolvent debtor.

I. *Be it therefore enacted by the General Assembly of the state of* North-Carolina, *and it is hereby enacted by the authority of the same*, That the aforesaid parts of the recited sections of the act aforesaid shall be and are hereby repealed and made void, so far as the said debts and judgments are by said act declared discharged and satisfied, and that from and after the passing of this act, execution may issue against any estate afterwards acquired by such insolvent debtor or debtors taking the benefit of said act, any law, custom or usage to the contrary notwithstanding.

CHAP. V.

An Act to extend the right of trial by jury to slaves.

In what cases slaves are entitled to trial by jury, &c.

I. BE *it enacted by the General Assembly of the state of* North-Carolina, *and it is hereby enacted by the authority of the same*, That in all cases hereafter happening, where any slave shall be accused of an offence, the punishment whereof shall extend to life, limb, or member, such slave shall be entitled to trial by jury, on oath, consisting of twelve good and lawful men, owners of slaves, in a summary way, and in open Court of the county wherein such offence was committed. *Provided nevertheless*, That if the Court of the county shall not meet within fifteen days from the time of commitment, the Sheriff of the county shall and may summon three Justices of the Peace of the said county, and a jury of good and lawful men owners of slaves, who shall have as full and ample power and authority to try and pass sentence on any slave accused and brought to trial before them, as the County Court might or could have by virtue of this act. *And provided always*, That the said jury and three Justices shall not be connected with the owner of such slave, or the prosecutor, either by affinity or consanguinity.

Owner to have notice of his trial.

To pay all costs, &c.

How recovered.

II. *And be it further enacted*, That when a slave shall be apprehended for any offence, the punishment whereof may affect life, member, or limb, it shall be the duty of the Sheriff, and he is hereby required to serve the owner of such slave, if known, with notice of trial ten days previous thereto (which notice shall be proved to the Court) in order that the owner may have an opportunity of defending the said slave; and the costs of said notice, and all other costs attending the trial of any slave so apprehended, where the owner or owners shall be known, shall be paid by the said owner or owners, *provided* the said slave, if a freeman, would be liable to the payment thereof. And in case of refusal to pay the same, process may issue from the Clerk of the Court to compel payment, in the same manner as for other costs.

Slave to be allowed counsel by the court where his master is unknown, &c.

III. *And be it further enacted*, That when the owner of any slave to be tried by virtue of this act, shall not be known, or cannot be discovered or ascertained, or shall reside out of this state, it shall and may be lawful for the Court, and they are hereby authorized and required, to appoint counsel to appear for and in behalf of the prisoner, who shall be allowed the same fees as the Attorney for the State is allowed for criminal prosecutions. After which they may proceed to trial in the same manner as if the owner had been notified agreeable to the directions of this act, in which case the fees for the counsel, Clerk and Sheriff, shall be paid by the county in which the Court is held in the same manner as other county charges.

CHAP. VI.

An Act more effectually to provide against corrupt elections of Members of the General Assembly and Sheriffs, and to direct when Justices shall qualify.

Persons declared ineligible to a seat in the General Assembly, &c.

I. BE *it enacted by the General Assembly of the state of* North-Carolina, *and it is hereby enacted by the authority of the same*, That no person who heretofore hath been, or hereafter may be receiver of public money, and shall not have fully accounted for and paid into the treasury all such sums for which he may be accountable or liable before the day of the annual election, shall be eligible, or take a seat in either house of the General Assembly. And any person so indebted offering himself a candidate, or if elected without offering presuming to appear at any Assembly to claim his seat therein, shall for each and every offence forfeit and pay the sum of one hundred pounds, to be recovered by action of debt, one half to the use of the informer, and the other half to the use of the state.

Penalty on persons attempting to destroy an election by force, &c.

II. *And be it further enacted*, That if any person shall by force and violence break up any election, by assaulting the officers thereof, or depriving them of the ballot boxes, such persons, their aiders and abettors, shall be adjudged guilty of a misdemeanor, and upon conviction shall suffer three months confinement in gaol, there to remain without bail or mainprize, and until he pay such fine as the Court before whom such conviction is made shall judge, not exceeding fifty pounds, and all costs and charges.

Justice giving his vote, &c. to elect himself Sheriff what penalty liable to, &c.

III. *And be it further enacted*, That no Justice of the Peace, being a candidate for the office of a Sheriff of his county, shall be permitted to vote or sit on the bench at the election; and if any Justice of the Peace shall hereafter presume to sit on the bench or vote on such election, he shall forfeit and pay for every offence the sum of fifty pounds, to be recovered by action of debt, one half to the person suing for the same, the other half to the use of the county; and his vote shall not be counted.

Appointment of a Justice removing out of the

IV. *And be it further enacted*, That where any Justice of the Peace hath removed himself, or shall hereafter remove himself out of the county for which he was appointed, into any other

other county of the ſtate, and ſhall not return within twelve months to reſide therein, ſuch appointment ſhall be null and void; and in caſe any ſuch Juſtice ſhall in any manner preſume to act in the county for which he was appointed after ſuch removal, unleſs re-appointed by the General Aſſembly, he ſhall forfeit and pay for every offence the ſum of fifty pounds, to be recovered by action of debt, and applied one half to the uſe of the ſtate, and the other half to the uſe of the perſon ſuing for the ſame.

county declared void, &c.

Pen. for acting after removal.

V. *And be it further enacted*, That any perſon heretofore, or who ſhall hereafter be appointed a Juſtice of the Peace in any county within this ſtate, and ſhall not qualify within twelve months after ſuch appointment, ſuch perſon ſhall not be allowed or admitted to qualify after the time above mentioned is elapſed, unleſs re-appointed by the General Aſſembly.

When Juſtices are to qualify, &c.

CHAP. VII.

An Act for the more ſpeedy and effectual collection of the arrears of taxes, and of other monies and certificates now due, or which ſhall hereafter become due and payable to the ſtate.

I. BE *it enacted by the General Aſſembly of the ſtate of* North-Carolina, *and it is hereby enacted by the authority of the ſame*, That two or more perſons be appointed by the Treaſurer, who ſhall be called and known by the name of collectors of arrears, give bond with ſufficient ſecurity in the ſum of twenty thouſand pounds each, payable to the Governor for the time being for the uſe of the ſtate, conditioned for the faithful accounting for and payment of all monies and certificates due or becoming due to the ſtate, which ſhall come into their hands or be collected by either of them in conſequence of their appointment as aforeſaid, who ſhall have ridings aſſigned them by the Treaſurer, and whoſe duty it ſhall be to receive and take charge of all executions iſſuing on judgments obtained or which ſhall be hereafter obtained by the Treaſurer in behalf of the ſtate, to carry or cauſe them to be carried to the counties within their reſpective ridings where the debtors or their ſecurities reſide, to ſee that they are properly levied, by ſhewing or pointing out to the Sheriffs the property deemed liable to be levied on, be the ſame in whoſe poſſeſſion it may, and by enquiring into and purſuing all legal means of detection and recovery in every caſe of ſuggeſted fraud; and it ſhall alſo be the duty of the collectors to attend all ſuch ſales in their reſpective ridings, and to enforce the ſame; they ſhall likewiſe take charge of the net amount of all monies and certificates ariſing from the ſales, and pay them into the public treaſury, firſt endorſing a receipt on the back of the execution expreſſing in words written at full length the amount of the ſame, which execution ſhall be left with the Sheriff, and ſhall by him be returned to the Clerk of the Court from whence it iſſued, on the firſt or ſecond day of the term next following the day on which ſuch ſale ſhall have been made as aforeſaid; and for their ſervices therein they ſhall ſeverally be entitled to have and receive a commiſſion of eight per centum on the amount of the caſh and certificates by them paid into the treaſury, which ſhall be deemed a compenſation in full.

Collectors of arrears to be appointed.

To give bond & ſecurity, &c.

Their duty.

And pay.

II. *And be it further enacted*, That each of the collectors of arrears ſo appointed, ſhall return to and file with the public Treaſurer a minute and accurate written account or ſtatement on oath, containing all their deeds and tranſactions in regard to the collecting arrears of monies and certificates as aforeſaid; which account or ſtatement ſhall be by the Treaſurer laid before the General Aſſembly, at their annual meetings: And each of the ſaid collectors ſhall make return of the ſtatement aforeſaid, ſettle his account with the Comptroller, (the ſame being checked by the returns on the executions) and finally and fully pay up and account with the Treaſurer for all monies and certificates received or which ought to have been received by him in virtue of his appointment as collector, on or before the firſt day of November in each year, on pain of forfeiting all commiſſions to which he would have been entitled had he done his duty, and of being proceeded againſt in like manner as is by law directed in caſe of the failure of Sheriffs; and any collector failing to render an account or ſtatement, ſettle, pay and account as aforeſaid, ſhall thenceforward be conſidered as having forfeited his appointment as collector of arrears, and he and his ſecurities ſhall be proceeded againſt accordingly, without further notice.

To make return on oath of their tranſactions to the Treaſurer, &c.

Time limited to complete a ſettlement with the Treaſurer, &c.

III. *And be it further enacted*, That in all caſes where judgments have been or ſhall be obtained againſt delinquent Sheriffs, and others in arrear to the ſtate, and where it ſhall ſo happen that the principal and his ſecurities do not all reſide in the ſame county, it ſhall and may be lawful for the Clerks of the Courts, on application of the Treaſurer, to iſſue executions from time to time to any one of the counties in which either of the parties reſide, or in which their property may be found, any law, cuſtom or uſage to the contrary notwithſtanding.

How executions are to iſſue where delinquents and their ſecurities reſide in different counties.

IV. *And be it further enacted*, That the collectors aforeſaid, in all caſes where thoſe in arrear and their ſecurities have removed themſelves out of the limits of this ſtate, or become inſolvent, in all caſes where no bond and ſecurity hath been given for the accounting for the public taxes or other public dues, and in all caſes where Sheriffs or other public debtors have been diſcharged from payment by any decree or judgment of the Courts, and where there ſtill remains a balance unpaid and due to the ſtate, ſhall make diligent ſearch and enquiry, as well for property fraudulently ſold, conveyed or concealed, as to inform themſelves whether there does not ſtill remain in the hands of thoſe formerly employed in collecting taxes or other monies, balances of the monies and certificates by them collected which are yet unaccounted for; and to this end they ſhall have power, and are hereby authoriſed, to call on the Clerks of any

In what manner collectors are to proceed in certain caſes.

Clerks of Courts to furniſh them

1793.

with copies of records, &c. if required, &c.

any of the Courts of this ſtate for copies of ſuch part of their record or papers as may tend to the diſcovery and detection aforeſaid; and ſuch information and proofs having obtained, they ſhall lay the ſame before the Treaſurer, who ſhall proceed in the ſame manner againſt ſuch delinquents as though they were Sheriffs, and ſhall on motion be entitled to judgment againſt them and their ſecurities accordingly.

How to proceed againſt Clerks refuſing ſuch copies, &c.

V. *And be it further enacted*, That in caſe of the neglect or refuſal of any of the Clerks of the Courts in this ſtate to furniſh to the collectors aforeſaid ſuch tranſcripts and copies of the records as aforeſaid, it ſhall be the duty of the collector to make report of ſuch neglect or refuſal to the Court of the county at the next ſucceeding term, who ſhall examine and enquire into the cauſes of ſuch neglect or refuſal; and on ſuch examination and enquiry being had, in caſe it ſhall appear to the ſatisfaction of the Court that ſuch tranſcripts or copies were refuſed or withheld without juſt cauſe, or that they were ſo refuſed and withheld from ſiniſter motives, or with intent to conceal or defraud, then and in that caſe the Court ſhall direct a proſecution to be commenced by the county Solicitor for the ſaid offence, and upon conviction ſuch Clerk ſhall be removed from office, and another appointed in his place accordingly.

What liable to if convicted of refuſing from fraudulent motives.

Property of delinquents, &c. to be levied on for collectors fees.

VI. *And be it further enacted*, That if any revenue or other public officer ſhall hereafter become indebted and in arrear to the ſtate, ſo that judgment ſhall be thereupon had againſt him, then and in that caſe it ſhall be lawful for the Sheriff or other officer to whom the writ of execution ſhall iſſue in conſequence of ſuch judgment, and he is hereby required, to levy on and ſell ſo much of the property of ſuch delinquent officer or his ſecurities, over and above the amount of the debt due the ſtate, as ſhall be ſufficient to pay and ſatisfy the commiſſion of eight per centum given by this act to the collectors of arrearages aforeſaid, together with the coſts of ſuit.

Sheriffs neglecting or refuſing to do their duty,

VII. *And be it further enacted*, That in caſe it ſhall at any time ſo happen, that the Sheriffs of this ſtate or any of them ſhall refuſe to attend the collectors when called on for that purpoſe, in ſearch of goods and chattels, lands and tenements, proper to be levied on, or ſhall fail or refuſe to appoint the time of any intended ſale, to advertiſe the ſame, and to attend and do his duty on the day appointed, or in caſe they or any of them ſhall fail to do and perform the ſeveral duties by law required of them; then and in that caſe it ſhall and may be lawful for the collector to demand of the Sheriff ſo failing in duty, the execution or executions on behalf of the ſtate committed to his or their care, and to proceed to levy, make ſale and return the ſame, in like manner as though he were Sheriff; and for his ſervices in ſo doing, he ſhall be entitled to the ſame fees and commiſſions as Sheriffs

collectors may perform it, and receive their fees.

Penalty on collectors guilty of mal-practice in office, &c.

VIII. *And be it further enacted*, That in caſe any of the collectors appointed, or who may be hereafter appointed under the authority of this act, ſhall at any time be guilty of extortion or other mal-practice in office, tending to the injury of any citizen, he or they ſo offending, and being thereof convicted, ſhall forfeit and pay to the party injured the ſum of five hundred pounds, to be recovered in any of the Superior Courts or County Courts of Pleas and Quarter-Seſſions of this ſtate, and ſhall thereafter be held and deemed unworthy of the appointment of collector, or of any office or appointment of profit or truſt in this ſtate.

Public debtors may pay up their arrears in certificates.

IX. *And be it further enacted*, That from and after the paſſing of this act it ſhall and may be lawful for any perſon, being a public debtor and owing caſh to the ſtate, to diſcharge and pay off his debt or balance, by delivering to the Treaſurer the amount of ſuch debt or balance in any of the certificates iſſued under the authority of this ſtate, and which are at preſent receivable at his office, (thoſe commonly called weſtern or Chickamagow certificates, thoſe iſſued at Warrenton in one thouſand ſeven hundred and eighty-ſix, and thoſe iſſued by Patrick Travis, Commiſſioner of Cumberland county, excepted) calculating both principal and intereſt; all certificates iſſued for currency, being eſtimated agreeably to the ſcale of depreciation, and not as heretofore rated and received, and bearing intereſt: *Provided*, That no perſon ſhall be entitled to this indulgence unleſs he or they avail themſelves of the permiſſion hereby granted, on or before the firſt day of July, which ſhall happen in the year one thouſand ſeven hundred and ninety-four. *And provided further*, That no revenue officer ſhall avail himſelf of the benefit of the mode by this act pointed out for receiving currency certificates, except he maketh oath that he is the original holder, or hath received the ſame for ſuch value in the collection of taxes for lands or confiſcated property.

Proviſoes.

The delinquency of any officer deemed ſufficient notice for taking judgment, &c.

X. *And be it further enacted*, That for the future no citation or other warning ſhall be required or held neceſſary, preparatory to the taking judgment againſt any delinquent revenue officer, but the delinquency of all ſuch officers ſhall be, and the ſame is hereby declared to be held and deemed good and ſufficient notice, and ſhall be ſo conſidered by the Courts in this ſtate, as well for the officers themſelves as for their ſecurities; and on all motions of the Attorney or Solicitor-General in behalf of the ſtate, for arrears of taxes or other monies or certificates due the ſtate, judgments ſhall be granted as well againſt the principals as their ſecurities, without further notice accordingly.

CHAP. VIII.

An Act directing the manner of proceeding againſt the ſeveral officers therein mentioned.

Perſons injured by the miſcon-

I. BE *it enacted by the General Aſſembly of the ſtate of* North-Carolina, *and it is hereby enacted by the authority of the ſame*, That it ſhall and may be lawful for any perſon or perſons injured

injured by the neglect, misconduct or misbehaviour in office of any of the Clerks of the Superior or County Courts, Clerks and Masters in Equity, Registers, Entry-takers, Surveyors, Sheriffs or Constables, to institute a suit or suits against the said officers or any of them and their securities, upon their respective bonds for the due performance of their duties in office, in the name of the person or persons to whom the said bonds are made payable, without any assignment thereon.

duct of public officers, what remedy entitled to.

II. *And be it further enacted*, That the person or persons so injured and bringing suit as aforesaid, shall be and are hereby declared to be entitled to receive to his, her or their own use all monies so recovered, in like manner as if the suit or suits had never been instituted in his, her or their own name or names on assignment as heretofore required; *provided* the person or persons so injured and bringing suit as aforesaid shall state in the declaration, as he, she or they are hereby authorised to do, matter of inducement sufficient to shew the Court (in which such suit or suits may be brought) at whose instance and in whose behalf the same is or are brought.

To receive all monies recovered from any officer by whom they have been injured to their own use. Proviso.

III. *And be it further enacted*, That any person or persons injured as aforesaid, by any of the officers aforesaid, may at his, her or their elections bring an action on the case against such officer or officers, and recover damages for his, her or their injury as aforesaid, or an action of debt as above directed.

May bring an action on the case or an action of debt.

IV. *And be it further enacted by the authority aforesaid*, That all Clerks of the Superior and County Courts, Clerks and Masters in Equity, Registers, public Inspectors and Surveyors, shall and they are hereby required to renew their several bonds for the faithful discharge of their duties in office, with good and sufficient securities, at the several and respective Courts wherein they have their appointment which shall be held after the first day of June next ensuing, and once in every three years always thereafter. And it is further declared, that all such of the said officers as shall refuse or neglect to renew their respective bonds at the times before mentioned, and to give other and better securities when judged necessary by the said Courts, shall be considered as having forfeited their respective offices. And the several Courts which have the appointment of such officer or officers so refusing or neglecting as aforesaid, shall and they are hereby required to proceed to the appointment of others in the place or places of him or them so refusing or neglecting.

Officers to renew their bonds, &c. on pain of forfeiting their offices.

Court to appoint others instead of those refusing as aforesaid.

V. *And be it further enacted*, That when any Constable or Constables in any county within this state, shall or may have received any money in virtue of his office or appointment as Constable, and shall fail to pay the same to the person or persons entitled to receive it, that then and in that case it shall and may be lawful, upon motion made in the Court of the county in which such Constable resides, for said Court to give judgment against said Constable or Constables, and his or their securities for all sum or sums of money so received and collected, together with costs, and to award execution thereon in the same manner as other executions issuing from said Court, *provided* such Constable has ten days previous notice of such motion. And where it shall so happen that any person's appointment as Constable shall expire, or he shall be removed from his office or appointment before such motion made, the same remedy, proceedings and relief shall and may be had against him as if such person was actually in office, any thing to the contrary notwithstanding.

Proceedings against Constables failing to account for monies received in virtue of their office. Proviso.

CHAP. IX.

An Act for raising a revenue for the payment of the civil list and contingent charges of government for the year one thousand seven hundred and ninety-four.

I. BE *it enacted by the General Assembly of the state of* North-Carolina, That for the year one thousand seven hundred and ninety-four, a tax of eight pence on every hundred acres of land in this state, and a tax of two shillings on every hundred pounds value of town lots with their improvements, and a tax of two shillings on every poll, shall be levied, collected and accounted for as is directed by the several acts of Assembly for that case made and provided.

Tax for the year 1794.

II. *And be it further enacted*, That a tax on every carriage wheel of pleasure of two shillings, together with a tax on all stud horses within this state of the one fourth part of the sum which the owner of such stud horse shall ask and receive for the season of one mare to such stud horse, shall be levied, collected and accounted for in the same manner that such taxes have heretofore been levied, collected and accounted for.

Tax on carriage wheels and stud-horses.

III. *And be it further enacted*, That no sinking fund tax be collected for the year one thousand seven hundred and ninety-four.

Sinking fund not to be collected.

IV. *And be it further enacted by the authority aforesaid*, That no allowance shall be made for insolvents to Sheriffs or receivers of public money, unless such Sheriff or collector shall make oath that the list by him tendered to be allowed as insolvents, was so at the time he ought by law to have accounted for such collection.

Rule to be observed as to allowance for insolvents.

CHAP. X.

An Act for classing the Justices, for the purpose of holding the several County Courts of Pleas and Quarter-Sessions in this state.

I. BE *it enacted by the General Assembly of the state of* North-Carolina, *and it is hereby enacted by the authority of the same*, That the Justices of the several counties in this state, shall at the

Justices to arrange themselves

1793.

into classes of five in each class.

the first term of their respective courts, which shall happen after the twentieth day of March next, arrange themselves into classes, of five Justices at least in each class, which classes shall be made in such manner as the Justices of their respective counties may direct.

Their duty when so formed.

II. *And be it further enacted*, That the Justices of the several classes in each county, when classed as aforesaid, shall respectively at their formation, appoint a chairman, and be numbered, and it is hereby declared to be the express duty of at least three of the Justices of the first class, to hold the first Court that may happen in their respective counties, and the second class the second Court, and so on in rotation: *Provided always*, That in case it should be necessary, or any one or the whole of the Justices in any county should think proper, that nothing herein contained shall debar or be construed to debar the said Justices or any of them from sitting on the bench at any of the Courts held for his or their respective county.

Proviso.

Justices dying, &c. Court to arrange the classes anew.

III. *And be it further enacted*, That in case any of the Justices forming any of the classes as aforesaid, in any county in this state, shall die, remove, resign or be rendered incapable of holding their office, that the Justices of such county shall at their next court thereafter assemble and arrange their classes anew, so as to keep up the number of five Justices at least in each class.

CHAP. XI.

An Act to repeal part of the fifth section of an act of the General Assembly, passed at Fayetteville, in the year one thousand seven hundred and eighty-nine, entitled, "An act to establish an university in this state."

Part of an act repealed.

I. BE *it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same*, That so much of the said fifth section of the before recited act, as authorises the Treasurer of the university to pay such money as may come into his hands into the state treasury, and from such fund to draw an interest of six per cent. be and the same is hereby repealed and made void, any thing to the contrary notwithstanding.

CHAP. XII.

An Act to authorise the several County Courts in this state to establish inspections at such places as they may think proper in their respective counties.

Conty Courts authorised to establish places of inspection.

To appoint Inspectors.

I. BE *it enacted by the General Assembly of the state of* North-Carolina, *and it is hereby enacted by the authority of the same*, That the several County Courts in this state be and they are hereby authorised, to appoint such place or places of inspection in their respective counties as they may think necessary, proper and convenient; and to appoint one or more Inspectors for such place or places, whose duty it shall be to inspect such article or articles as by law are required, which are or may be brought to his place of inspection for that purpose; which Inspectors, when so appointed, shall take the same oaths, and be subject to the same rules, regulations and restrictions, and be entitled to the same benefits and emoluments, as directed by the several acts of Assembly in force in this state, any law to the contrary notwithstanding

Their duty and privileges.

CHAP. XIII.

An Act to repeal an act passed in the year one thousand seven hundred and eighty-seven, entitled, "An act directing the duty of naval-officers, and of all masters of vessels coming into any of the ports or inlets of this state."

WHEREAS doubts exist how far the above recited act is superseded by the adoption of the federal constitution by this state:

Act repealed.

I. *Be it therefore enacted by the General Assembly of the state of* North-Carolina, *and it is hereby enacted by the authority of the same*, That from and after the passing of this act, the said above recited act shall be and the same is hereby repealed and made void, any thing to the contrary notwithstanding.

CHAP. XIV.

An Act to amend an act, entitled, "An act to compel certain officers therein mentioned to publish the application of public money and allowances for insolvents."

WHEREAS the before recited act does not describe in what manner the Sheriff shall settle and pay those who are holders of county claims, neither does it point out a regular method whereby the county Trustees shall and may settle with the Sheriff; whereby many good citizens, having just claims for county money, are delayed of obtaining their right:

Clerk of the County Court to number all claims against the county.

To furnish the Chairman of the Court with a copy annually, &c.

I. *Be it therefore enacted by the General Assembly of the state of* North-Carolina, *and it is hereby enacted by the authority of the same*, That from and after the passing of this act, it shall be the duty of all Clerks within the respective counties of this state, which if the same shall be thought advisable or necessary and so ordered by the County Court, to number all claims, orders and certificates that may be allowed by the Court in which he or they act, in a book kept for that purpose; and shall annually, the day before the County Court's proceeding to lay a county tax for the ensuing year, furnish the Chairman of the Court with a copy of the same; likewise shall insert the different allowances agreeable to number in the tax list that such

such Clerk or Clerks supplies the Sheriff or Collector with, in order that the same may be collected and paid according to their number and priority.

II. *And be it further enacted*, That the county Trustee shall only settle with the Sheriff or Collector of public taxes according to number, beginning at the lowest number; and where there is no Trustee in the county, the County Court may and shall proceed to settle with their Sheriff or Collector of public taxes in the like manner.

County Trustee how to settle, &c.

III. *And be it further enacted*, That any county Clerk neglecting or refusing to perform any part of the duty enjoined by this act, he shall forfeit and pay the sum of ten pounds for every such offence, recoverable before any jurisdiction having cognizance thereof, one half to the use of any person who may commence suit for the same, the other half to be applied towards defraying the county tax.

Penalty on Clerk neglecting any duty enjoined by this act, &c.

IV. *And be it further enacted*, That when any County Court shall so direct their Clerk to record and number the county claims as aforesaid, such County Court shall and may allow the Clerk for all such services, annually, any sum not exceeding forty shillings.

Court to allow him for his services.

CHAP. XV.

An Act to amend an act for ascertaining the duties and salary of the public Printer, and to repeal part of the seventh section of an act passed at Edenton, in the year one thousand seven hundred and twenty-nine, entitled, "An additional act to an act for appointing toll-books, and for preventing any person from driving horses, cattle or hogs to other persons land."

I. BE *it enacted by the General Assembly of the state of* North-Carolina, *and it is hereby enacted by the authority of the same*, That from and after the passing of this act, it shall be the duty of the several Clerks of the County Courts within this state, to apply to the several Superior Court Clerks for the acts and journals of the General Assembly, and see that they are furnished in the several counties agreeable to law, who shall be allowed by the County Court for the same.

County Court Clerks duty as to the distribution of the laws and journals.

II. *And be it further enacted*, That if any Clerk shall refuse or neglect to do his duty as by this act prescribed, he shall forfeit and pay the sum of ten pounds, to be recovered before any jurisdiction having cognizance thereof, any thing to the contrary notwithstanding.

Penalty for neglect.

III. *And be it further enacted*, That the printer or printers of the state shall and they are hereby required to print the public laws separate from the laws of a private nature, leaving a blank page between the public and private laws, and that they likewise print in the margin of each page the year in which the law was passed.

Directions concerning the printing of the laws.

IV. *And be it further enacted*, That the Secretary shall cause to be collected from the laws of this state and of the United States, a compleat list of all the fees that are demandable by any officer in the state for any service he is to perform, also the salary of each officer for the present year, and to furnish the public printer with the same, which the printer is directed to publish with the laws passed at this session.

Secretary to collect a list of the fees, &c. of public officers in this state, &c.

V. *And be it further enacted*, That from and after the passing of this act, that all that part of the seventh section of the before recited act, as authorises a Justice of the Peace to order a white person to be whipped for certain causes therein mentioned, be and the same is hereby repealed and made void.

Part of an act repealed.

CHAP. XVI.

An Act to amend such parts of the act, entitled, "An act for establishing Courts of law, and for regulating the proceedings therein," as may relate to proceedings on attachments; and for amending an act for making process in equity effectual against persons who abscond and who reside without the limits of the state, and for better regulating the proceedings in the Court of Equity.

WHEREAS it often happens that garnishees, as well on original as judicial attachments, declare that they have in their hands property of the defendant or defendants of a specific nature: And whereas by the before recited act no provision is made for ascertaining the value of such specific property, so as to enable the party plaintiff, where he shall have made his recovery, to sue out execution for the same: For remedy whereof,

I. *Be it enacted by the General Assembly of the state of* North-Carolina, *and it is hereby enacted by the authority of the same*, That from and after the passing of this act, whenever any garnishee shall on oath confess that he or she has in his or her hands any property of the defendant of a specific nature, or is indebted to such defendant by any security or assumption for the payment or delivery of tobacco or other specific article, then, in either of those cases, the Court before whom such garnishment shall be made shall immediately order a jury to be impanelled and sworn, to enquire of the value of such specific property, and the verdict of such jury shall subject such garnishee to the payment of such valuation, or so much thereof as shall be sufficient to satisfy the debt or damages, and costs of the party at whose instance such garnishee shall have been summoned. *Provided always*, That such garnishee who may on oath confess that he or she has in his or her hands any specific property of the defendant, as left or deposited in his or her possession by such defendant, may always exonerate him or herself by delivering such property to the Sheriff, who levied such attachment, or may levy the execution issued thereon; and the party suing out such attachment, shall not be at liberty to issue such execution against such garnishee until the Court next following such garnishment.

Property of a specific nature in the hands of a garnishee how to be valued, &c.

How a garnishee may exonerate himself, &c.

1793.

Proceedings where a garnishee denies that he has property of a defendant, &c.

II. *And be it further enacted*, That when any garnishee shall be called into Court, and on his or her garnishment shall deny that he or she owes to or has in his or her hands any property of the defendant, and the party plaintiff in such attachment shall on oath suggest to the Court that such garnishee owes to or has property in his or her hands belonging to the defendant, or when any garnishee shall on his or her garnishment make such a statement of facts that the Court before whom such garnishment shall be made cannot proceed to give judgment thereon, then, in either of those cases, the Court shall order an issue to be made up, which shall be tried by a jury, and the Court shall give judgment on their verdict as in other cases.

Proceedings where an attachment is levied on property claimed by another person, &c.

III. *And be it further enacted*, That when any person shall sue out an attachment, and the same shall be levied on property which shall be claimed by any other person, such claimant shall be at liberty to interplead, first giving security for such costs and damages as may be awarded against him, and shall at the same time file a petition in writing, setting forth the particular property claimed, and by what right or title he claims the same, a copy of which petition shall be served on the party suing out such attachment at least ten days before the next Court; and at the Court to which the return of such petition shall be made the Court shall order a jury to be impanelled, to enquire in whom the property is of such article or property as may be so levied upon, and the finding of such jury shall be conclusive as to the parties then in Court, and the Court shall adjudge accordingly.

Where suits on attachment shall be returnable before a Justice, &c.

IV. *And be it further enacted*, That in all suits commenced by attachment, which shall be returnable before a Justice of the Peace, the Justice to whom such attachment shall be returned shall stay all proceedings thereon for the space of thirty days, unless the defendant to such suit by attachment, his agent or attorney, shall replevy the goods, chattels or property so attached.

How to proceed against persons conveying away their property to avoid the payment of an execution, &c.

V. And whereas frauds are frequently committed on executions, in order to prevent the recovery of the honest creditor: *Be it therefore enacted*, That when the Sheriff of any county in this state, returneth on the execution in his hands that there is no property to be found belonging to the defendant in his county, and it is suggested by the plaintiff that the defendant hath fraudulently made away with his property, for the purpose of avoiding the payment of the execution, notice in the nature of a scire facias, on motion of the party plaintiff, shall be directed by the Court to issue to the person or persons in whose hands such property is supposed to be held, and on return of the said scire facias, executed as other original process, an issue shall be made up whether any fraud or concealment of his property hath been made by the defendant to the person cited or noticed, or whether the same hath been made over to avoid the recovery aforesaid, without just and valuable consideration; and if the jury shall find such fraud, concealment or making over as aforesaid, they shall also specify the property so fraudulently concealed or made over, and execution shall issue against the same in the hands of the garnishee or person notified, in the same manner as against the defendant himself, until the judgment shall be satisfied, should such property be sufficient for that purpose.

Persons entering as special bail on replevying property, liable only for the value of the property held, &c.

VI. And whereas by the present mode of proceedings on attachments, the person or persons who enter themselves as special bail on replevying the property, become special bail to answer the whole demand of the plaintiff: *Be it therefore enacted*, That the person or persons entering themselves as special bail on replevying property attached, shall only be held liable to answer the value of the property which he, she or they as aforesaid do respectively hold or have returned in the garnishment, and no more, but the security replevying shall not avail themselves of paying the value of the property so replevied, unless such security shall at the return term or session move the Court to impanel a jury to ascertain such value by enquiry, which enquiry the Court shall have executed on motion made as aforesaid, notice being given to the plaintiff in attachment, his agent or attorney, at least five days before such motion shall be made, and that in cases coming before a Justice out of session, three freeholders shall be summoned to assess and value the property on oath.

Cases where an attachment shall be returned to the Court, &c.

VII. *And be it further enacted*, That in all cases of attachment returnable before a Justice of the Peace, wherein the intervention of a jury as above prescribed in this act in cases of garnishment made in Court is necessary, the same shall be returned to the next Court of the county in which the attachment issued, any law to the contrary notwithstanding.

Proceedings where an attachment is returned to Court as levied on property of any person out of the district, &c.

Proviso.

VIII. *And be it further enacted*, That when any original or judicial attachment shall be returned to any Court within this state, as levied upon the goods and chattels, lands and tenements, of any person or persons residing without the district in which such attachment has been issued, it shall be the duty of the Clerk of such Court to cause the same by public advertisement to be made known for three months next after the return made as aforesaid; and until the said three months shall have expired, it shall not be lawful for such Courts to suffer any final judgment to be entered upon any such attachment: *Provided always*, Where such proceeding on original attachments shall be had before a Justice out of session, it shall be the duty of the Justice to direct advertisement of the same for the space of thirty days only.

Part of an act repealed.

IX. And whereas great complaints have been made of the charges of commissions on accounts allowed the Masters in Equity in this state: *Be it therefore enacted*, That so much of an act making process in equity effectual, &c. passed in the year one thousand seven hundred and eighty-seven, at Tarborough, which grants the Masters and Clerks in Equity for a report

report ſtating an account, one per cent. on the amount of the account exhibited where the account is made five hundred pounds, and one half per cent. for all ſums over five hundred pounds, be repealed and made void; and that the Clerks and Maſters in Equity ſhall be allowed on all ſuch reports, as much as the Courts may in their diſcretion think adequate to the actual labour and trouble beſtowed, not exceeding in any caſe the ſum of twenty-five pounds; and the Maſter ſhall in all caſes give notice to the party liable to pay coſts, of the time that he will move the Court to tax ſuch coſts as may ariſe on the reference of accounts.

Allowance to Maſters in Equity in future for certain ſervices.

CHAP. XVII.

An Act to empower the Wardens of the poor in the ſeveral counties within the ſtate to lay a further tax for the ſupport of the poor, and for electing Wardens of the poor where none have been elected agreeably to law.

I. BE *it enacted by the General Aſſembly of the ſtate of* North-Carolina, *and it is hereby enacted by the authority of the ſame*, That the Wardens of the poor for the ſeveral counties in this ſtate be and they are hereby empowered to lay a tax annually, after the paſſing of this act, on the inhabitants of their reſpective counties, not exceeding one ſhilling on every poll, and four-pence on every hundred acres of land, and one ſhilling on every hundred pounds value of town property, in addition to the taxes which the ſaid Wardens have been heretofore empowered to lay for the ſupport of the poor; and the taxes to be raiſed in purſuance of this act ſhall be collected, accounted for and applied in the manner heretofore preſcribed by law. And the ſaid Wardens are likewiſe empowered, when to them or at leaſt two-thirds of them in each county it appears neceſſary, to erect proper buildings in their reſpective counties for the reception, reſidence and employment of the poor.

Wardens of the poor empowered to levy a tax annually.

How applied.

To erect buildings when neceſſary.

II. And whereas it ſometimes happens that an election for Wardens of the poor is omitted at the time appointed by law, whereby doubts have ariſen whether any election would be legal until the next year: *Be it enacted by the authority aforeſaid*, That in all caſes when the time of ſervice of the laſt appointed Wardens ſhall be expired, and the County Court deem a new election neceſſary, it ſhall be lawful, and they are hereby required, to order an election for Wardens, which the Sheriff of the county ſhall obey and hold under the ſame rules, regulations and reſtrictions as are preſcribed by law for the regular elections.

County Court to order an election for Wardens when neceſſary.

CHAP. XVIII.

An Act directing in what caſe Sheriffs ſhall ſell the eſtate of deceaſed perſons, and to repeal part of an act, paſſed in the year one thouſand ſeven hundred and twenty-three, as to the manner of advertiſing the ſales of the eſtates of deceaſed perſons.

WHEREAS doubts have ariſen in what caſes the Sheriff ſhould be employed to ſell the eſtates of deceaſed perſons, and great abuſes have taken place in conſequence thereof:

I. *Be it enacted by the General Aſſembly of the ſtate of* North-Carolina, *and it is hereby enacted by the authority of the ſame*, That from and after the paſſing of this act, it ſhall not be held or be deemed to be the right or duty of the Sheriff to ſell or diſpoſe of the eſtate of any deceaſed perſon, except where adminiſtration may be granted to the creditor or the creditors of the deceaſed, in which caſe the Sheriff ſhall be allowed by the Court, ſo as ſuch allowance does not exceed two and a half per cent. any law to the contrary notwithſtanding.

In what caſe the Sheriff may ſell the eſtates of deceaſed perſons.

II. And whereas by an act paſſed in the year one thouſand ſeven hundred and twenty-three, entitled, "An additional act to an act, entitled, An act concerning proving wills and granting letters of adminiſtration, and to prevent frauds in the management of inteſtates eſtates," it is enacted that the executors or adminiſtrators ſhall advertiſe the ſale of the eſtates of deceaſed perſons, by affixing a copy of the whole inventory exhibited by them, at the court-houſe door of the precinct, during the Court's ſitting: And whereas this act hath been in many parts of this ſtate diſuſed, and hath been found unneceſſary and inconvenient: *Be it therefore enacted*, That ſo much of the ſaid recited act as ſhall require executors or adminiſtrators to affix a copy of the inventory to advertiſement of ſale, ſhall be and the ſame is hereby repealed and made void.

Part of an act repealed.

CHAP. XIX.

An Act for limiting what value ſuits may be commenced in the Superior Courts.

WHEREAS by an act of Aſſembly paſſed in the year one thouſand ſeven hundred and ſeventy-ſeven, it was enacted that no ſuit ſhould be inſtituted in any Superior Court where the parties reſided in the ſame diſtrict for leſs than one hundred pounds, and when in different diſtricts fifty pounds; and the Judges having decided that the ſame was in depreciated money; and thereby the intention of the law is rendered ineffectual: For remedy whereof,

I. *Be it enacted by the General Aſſembly of the ſtate of* North-Carolina, *and it is hereby enacted by the authority of the ſame*, That from and after the paſſing of this act, no ſuit ſhall be originally commenced in any of the Superior Courts in this ſtate, for any debt or demand of leſs value than one hundred pounds, where the plaintiff and defendant live in the ſame diſtrict, or for leſs than fifty pounds, where the parties live in different diſtricts, and if any ſuit ſhall be commenced contrary to the true intent and meaning hereof, or if any perſon ſhall demand

Of what value ſuits may be commenced in the Superior Court, &c.

1793.

demand a greater sum than is due, on purpose to evade this act, in either case the plaintiff shall be nonsuited and pay costs: *Provided always*, That if the plaintiff or any other person for him will make an affidavit (to be filed in the Court) that the sum for which his suit shall be brought, is really due, but for want of proof, or that the time limited for the recovery of any article, bars a recovery, then and in that case such plaintiff shall have a verdict and judgment for what appears legally proved, any thing to the contrary notwithstanding. *Provided also*, That nothing herein contained shall extend or be construed to extend to suits on bonds, penal bills, or other action of debt grounded on a penalty, where the balance due on such bond or penal bill, or other action of debt, is not of less value than the sums herein before mentioned to be limited for bringing suits in the said Courts.

CHAP. XX.

An Act to repeal an act, entitled, "An act for laying a tonnage on vessels for the purpose of deepening the Swash channel, near Ocacock Bar."

Act repealed.

I. BE *it enacted by the General Assembly of the state of* North-Carolina, *and it is hereby enacted by the authority of the same*, That the before recited act be, and the same is hereby declared to be, repealed and made void, any thing to the contrary notwithstanding.

CHAP. XXI.

An Act to amend and explain the fifth section of an act passed at Fayetteville, in the year one thousand seven hundred and eighty-nine, chapter thirty-nine, entitled, "An act to amend an act, entitled an act directing the mode of proceeding against the real estate of deceased debtors, where the personal estate is insufficient for the payment of the debts."

WHEREAS by the proviso of the fifth section of the said act, the intention of the legislature and the object of the law is rendered obscure and inoperative, by the word *fieri facias* having crept therein, through the mistake of the Clerk or the Printer:

Scire facias to be inserted instead of *fieri facias*.

I. *Be it therefore enacted by the General Assembly of the state of* North Carolina, *and it is hereby enacted by the authority of the same*, That the proviso in the fifth section of the said act be amended, by inserting therein the words *scire facias* instead of the words *fieri facias*; and that so much of the said act, couched in the words *fieri facias* as aforesaid, be and the same is hereby repealed and made void, any thing to the contrary notwithstanding.

CHAP. XXII.

An Act to amend part of an act, entitled, "An act to prevent any person who now does, or who may hereafter, hold any office, appointment or authority under the federal government, from being eligible to a seat in the General Assembly of this state, and to prevent any person from holding or exercising any office or appointment under the authority of the said state, so long as they continue to hold or exercise any office or appointment under the authority of the United States," as relates to the Senators and Representatives vacating any commissions they may hold as Justices of the Peace.

Part of an act repealed.

I. BE *it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same*, That the said act, so far as it relates to the Senators or Representatives of this state vacating any commission they may hold as Justice of the Peace by accepting a seat in the Congress of the United States, either as a Senator or Representative, be and the same is hereby repealed and made void.

CHAP. XXIII.

An Act to compel the Entry-takers of the several counties in this state to give bond and security every two years hereafter, for the faithful performance of their duty, and to repeal so much of an act passed at Hillsborough, one thousand seven hundred and eighty-four, as authorises any person unwilling to pay taxes for their land to make a surrender of such land to the state, and directing such persons as have surrendered heretofore to describe the land surrendered.

County Courts required to take bond from Entry-takers for the faithful discharge of their duty, &c.

I. BE *it enacted by the General Assembly of the state of* North-Carolina, *and it is hereby enacted by the authority of the same*, That it shall be the duty of the County Courts respectively, and they are hereby empowered and directed, to call on the Entry-takers of their respective counties at the term which shall happen next after the first day of July, one thousand seven hundred and ninety-four, to give bond with sufficient security in the sum of two thousand pounds, payable to the Governor for the time being, and conditioned for the faithful discharge of his duty as Entry-taker; and no Entry-taker, who shall be appointed from and after the said first day of July next, shall enter upon the discharge of his office without giving such bond and security; and at the expiration of every two years thereafter, such Entry-taker shall in the same manner as at first renew his bond with security as aforesaid. And in case any Entry-taker shall refuse or neglect to give bond and security, and renew the same as by this act required, every such Entry-taker so refusing is hereby declared to vacate his office, and to be ineligible to the second appointment; and it shall be then

the

the duty of the Court of ſuch county wherein the ſaid Entry-taker reſides, to proceed immediately to the appointment of another perſon, well qualified, to fill ſuch vacancy: Alſo if the ſaid Entry-taker, or any Entry-taker within this ſtate, ſhall fail to produce a certificate from the Treaſurer, that he has paid up all monies and certificates by him received in virtue of his office to the end of the preceding year, his appointment ſhall be vacated in manner as aforeſaid. And all Entry-takers appointed to fill ſuch vacancies as by this act made, ſuch ſhall be under the ſame rules, regulations and reſtrictions as other Entry-takers within this ſtate: *Provided nevertheleſs*, That if the Entry-taker of any county ſhall produce to the Court of the county a receipt in full of a final ſettlement of his accounts to the end of the preceding year, at the time he is required to renew his bond in the year one thouſand ſeven hundred and ninety-ſix, it ſhall be ſufficient. *And provided alſo*, That no public debtor ſhall be eligible to the office of Entry-taker.

II. *And be it further enacted*, That if any Entry-taker, who by virtue of this act is diſplaced, reſuſes to deliver up his books and all other papers and documents relative thereto, to his ſucceſſor in office, he ſhall for ſuch refuſal forfeit and pay the ſum of two thouſand pounds, to be recovered before any juriſdiction having cognizance thereof, to be applied to the uſe of the ſtate.

Entry-taker diſplaced to deliver up his books, &c. to his ſucceſſor.

III. *And be it further enacted*, That where lands have been ſurrendered up to the ſtate by any perſon or perſons, under the act of the General Aſſembly paſſed at Hillſborough in the year one thouſand ſeven hundred and eighty four, and have not been particularly deſcribed in ſuch ſurrender, the perſon ſo availing himſelf of the act aforeſaid, ſhall within twelve months after the paſſing of this act file in the office of the Clerk of the county wherein ſuch ſurrender was made, an exact plat of the land ſo ſurrendered, with a particular deſcription of the bounds and quantity thereof, under the penalty of fifty pounds, to be recovered as aforeſaid, one half to the perſon ſuing for the ſame, and the other half to the uſe of the ſtate; and that ſo much of an act of the General Aſſembly paſſed at Hillſborough, in the year one thouſand ſeven hundred and eighty-four, which authoriſes any perſon or perſons to ſurrender up their lands to the ſtate, be and the ſame is hereby repealed and made void.

Lands ſurrendered and not particularly deſcribed a plat & deſcription thereof to be filed with the Clerk of the county, &c. under a penalty.

Part of an act repealed.

IV. *And be it further enacted by the authority aforeſaid*, That for the year one thouſand ſeven hundred and ninety-four, and each ſucceeding year, it ſhall be the duty of each and every Entry-taker within this ſtate, to return to the Comptroller's-office on or before the firſt day of October which ſhall happen after the cloſe of each year, (on pain of forfeiting for every failure or neglect the ſum of one hundred pounds, to be recovered on motion of the Attorney for the ſtate on the Comptroller's certificate ſtating the neglect or failure,) one fair liſt of all the entries made in his office in the courſe of the preceding year; which liſt ſhall contain the number and date of each entry, alſo the name of the perſon making the entry, and the number of acres entered by each; each of which returns or liſts ſhall commence on the firſt day of January, and end on the thirty-firſt day of December in the ſame year; and where it ſhall ſo happen that an Entry-taker hath been appointed when the year was advanced, his firſt return ſhall commence with his appointment, and end at the cloſe of the ſame year.

Entry-taker to return to the Comptroller's-office a fair liſt of all entries made in his office, &c.

V. *And be it further enacted*, That it ſhall not be lawful for any perſon making an entry of lands to withdraw the ſame, but all entrance monies ſhall be paid by the reſpective Entry-takers into the public treaſury, and in caſe of deficiencies when the lands entered ſhall be ſurveyed, the perſons entering may avail themſelves of the mode of relief already pointed out by law.

Perſons entering lands not to withdraw their entries, &c.

VI. *And be it further enacted*, That all acts and parts of acts, which come within the purview and meaning hereof, ſhall be and the ſame are hereby repealed and made void.

Repealing clauſe

CHAP. XXIV.

An Act to amend an act, entitled, "An act for regulating weights and meaſures."

WHEREAS it does appear to this General Aſſembly that the ſtandard-keepers fees are not adequate to the trouble annexed to their appointments: Therefore,

I. *Be it enacted by the General Aſſembly of the ſtate of* North-Carolina, *and it is hereby enacted by the authority of the ſame*, That from and after the paſſing of this act, the ſeveral ſtandard-keepers in this ſtate ſhall and they are hereby entitled to receive for each and every pair of ſteelyards, weights or meaſures by them ſtamped and ſealed, the ſum of one ſhilling and ſixpence.

Standard-keeper's fees.

II. *And be it further enacted*, That all acts or parts of acts that come within the meaning and purview of this act, are hereby repealed and made void.

Repealing clauſe

CHAP. XXV.

An Act approbating the new great ſeal of the ſtate.

WHEREAS in purſuance of an act paſſed at Newbern in the year one thouſand ſeven hundred and ninety-one, entitled, "An act to provide a proper ſeal for the ſtate and the ſeveral Courts of record," the Governor hath procured a new great ſeal for the ſtate, calculated to make an impreſſion on the face of the grant, commiſſion or other public act with one ſide only:

1793.

New great seal approved, and when to be used.

I. *Be it therefore enacted by the General Assembly of the state of* North-Carolina, *and it is hereby enacted by the authority of the same,* That after the first day of March next, the said new great seal shall be used for attesting and authenticating all grants, commissions, proclamations, and other public acts; and the said new great seal shall be good and valid, to all intents and purposes, as the former great seal hath heretofore been, any law, usage or custom to the contrary notwithstanding. *Provided nevertheless,* That the former great seal of the state shall and may be used for attesting and authenticating grants, commissions, proclamations and other public acts, until the said first day of March next, and until the said new seal shall be deposited in the Secretary's-office, and after that day shall be kept for the purposes mentioned in the fourth and last section of the above recited act.

Proviso.

CHAP. XXVI.

An Act to amend an act, entitled, "An act to amend the several acts of Assembly which respect the duties of the Comptroller of the public accounts of this state," passed December, seventeen hundred and ninety-two.

Rule to be observed in stating and keeping the public accounts.

I. BE *it enacted by the General Assembly of the state of* North-Carolina, *and it is hereby enacted by the authority of the same,* That the directions of the said act with respect to the mode to be observed in keeping the public accounts of this state, and which are therein confined to the taxes of seventeen hundred and ninety-two and the monies becoming payable in seventeen hundred and ninety-three, and thenceforward, shall from and after the first day of November last apply to and be observed in the keeping all public accounts reported on, or which ought to have been reported on by the Comptroller, *that is to say,* they shall apply to and be observed in stating and keeping all accounts whatever, the monies due or which became payable after the first day of January, seventeen hundred and eighty-eight, the day on which the Comptroller's reports are by the act of seven hundred and eighty-seven directed to commence.

Directions in respect to raising accounts against individuals in arrear under this act, &c.

II. *And be it further enacted by the authority aforesaid,* That the Comptroller in raising accounts against individuals in arrears under this act, shall charge them with the balances for which the Treasurer claimed credit in the settlement of his public accounts up to the said first day of November last, *that is to say,* up to the first day of November, seventeen hundred and ninety-three, and which have been reported to the General Assembly and posted up during the present session, and with such other and further sums as he shall from time to time be enabled to produce a charge against them.

CHAP. XXVII.

An Act for altering the time of holding the County Court of Pleas and Quarter-Sessions for the county of Person.

WHEREAS the time at present for holding the County Courts of Pleas and Quarter-Sessions for the county of Person is found to be inconvenient: Therefore,

Time of holding Courts in Person county.

I. *Be it enacted by the General Assembly of the state of* North-Carolina, *and it is hereby enacted by the authority of the same,* That the Court for the county of Person, after the passing of this act, shall be held on the first Mondays in June, September, December and March, in each and every year; to which time all matters and things in the said Court depending shall stand adjourned and continued from the Court which will be next in course after the passing of this act, and shall be valid in law, any thing in any law to the contrary notwithstanding.

CHAP. XXVIII.

An Act to appoint Commissioners to sell the Palace, and other buildings thereunto belonging, in the town of Newbern, for the use of the state.

Commissioners.

I. BE *it enacted by the General Assembly of the state of* North-Carolina, *and it is hereby enacted by the authority of the same,* That William Nash, John Allen and William E. Lord, be and they are hereby appointed Commissioners, for the purpose of disposing of the Palace, lands and houses thereunto belonging, in the town of Newbern; and it shall be the duty of the said Commissioners, to advertise in some of the gazettes of North-Carolina, South-Carolina, Virginia and Pennsylvania, that they will receive proposals of purchase at some particular place or places to be by them appointed, from time to time, until the next session of the General Assembly, when it shall also be their duty to lay the said proposals of purchase, and all their proceedings respecting the premises, before the said Assembly, who shall give such farther directions thereon as they may judge expedient.

Their duty, &c.

Allowance.

II. *And be it further enacted,* That the Commissioners hereby appointed shall be allowed the sum of thirty shillings for every day they are engaged in the business aforesaid.

III. And whereas it appears to this General Assembly that lots number twenty-seven, twenty-eight, and twenty-one feet of lot number twenty-nine, and their fronts, and lots number one hundred and one and one hundred and ninety-four, were at the time of passing an act for vesting certain lots in the town of Newbern in his Excellency the Governor and his successors, the property of Richard Dobbs Spaight, then a minor, and that he hath received no payment for the same, and that lot number one hundred and one in consequence of

of the above recited act hath been improved, and that twenty-one feet of lot number twenty nine lies immediately between the Palace and the river: *Be it therefore enacted by the authority aforesaid*, That when the said Richard Dobbs Spaight shall relinquish to the state his claim to lot one hundred and one, with the improvements, and twenty-one feet of lot number twenty-nine, and so much of lot number one hundred and ninety-four as may be in the front of the Palace, the following lots shall be restored to the said Richard Dobbs Spaight, *to wit*, number twenty-seven and twenty, with their fronts, and lot number one hundred and ninety-four so far as does not interfere with the front of the Palace as aforesaid.

Conditions on which certain lots will be restored to Richard D. Spaight.

III. *And be it further enacted*, That the Commissioners hereby appointed shall be reimbursed all necessary expences which they may incur by advertising the sale as herein directed.

Commissioners to be reimbursed their expences.

CHAP. XXIX.

An Act for altering the time of holding the County Courts of Pleas and Quarter-Sessions for the county of Randolph.

WHEREAS the time at present for holding the County Courts of Pleas and Quarter-Sessions for the county of Randolph has been found to be inconvenient:

I. *Be it therefore enacted by the General Assembly of the state of* North-Carolina, *and it is hereby enacted by the authority of the same*, That the Court of the county of Randolph, after the passing of this act, shall be constantly held on the first Mondays in February, May, August and November, in each and every year; to which time all matters and things depending in the said Court shall be adjourned and continued from the Court which will be next in course after the passing of this act, and shall be valid in law.

Time of holding Courts in Randolph county.

II. *And be it further enacted*, That the Commissioners appointed to carry on the public buildings, agreeable to an act passed the last year to remove the court-house, be empowered, and they or a majority of them are hereby directed, to sell two acres of the land whereon the old court-house stood, and the monies arising therefrom to apply to the use of the county in defraying the expences of the present public buildings, any thing to the contrary notwithstanding.

Commissioners to sell land, &c.

CHAP. XXX.

An Act to annex part of Glasgow county to Wayne county.

I. BE *it enacted by the General Assembly of the state of* North-Carolina, *and it is hereby enacted by the authority of the same*, That from and after the passing of this act, all that part of Glasgow county, lying situated and bounded as follows, beginning where the Wayne county line crosses the south prong of Bear-creek, then down the said south prong to the fork, then up the north prong to where the Wayne county line crosses the same, and then with the said county line to the beginning, be added to and made a part of Wayne county.

Part of Glasgow annexed to Wayne county.

II. *And be it further enacted*, That nothing in this act shall debar or be construed to debar the Sheriff of the county of Glasgow from collecting the taxes now due, or which may become due for the year one thousand seven hundred and ninety-three, from the inhabitants hereby added to the county of Wayne, in the same manner as if this act had never passed.

Sheriff of Glasgow to finish his collection, &c.

CHAP. XXXI.

An Act to add part of Burke and Wilkes counties to the county of Iredell.

WHEREAS it is represented by petition to this General Assembly that many of the inhabitants of Burke and Wilkes counties would be highly benefited by being added to Iredell county:

I. *Be it therefore enacted by the General Assembly of the state of* North-Carolina, *and it is hereby enacted by the authority of the same*, That from and after the passing of this act Iredell county shall be extended in the following manner, *to wit*, beginning at Iredell county line on the Catawba-river, thence up said river about three miles to Uriah Davis, thence nearly a north course about two miles to the bent on lower Little-river in James Fox's land, thence up said river to the lower end of John Barnes's land, thence nearly a north-east course along the dividing ridge between Grassy and Muddy forks to Iredell line between Black-Oak ridge and Brushy mountain, thence a south course along said line to the beginning; and all the land included by said line is hereby annexed and added to the county of Iredell.

Iredell county extended.

II. *And be it further enacted*, That nothing herein contained shall debar or be construed to debar the Sheriffs of the counties of Burke and Wilkes from collecting the taxes that are now due, or which may be due for the year one thousand seven hundred and ninety-three, from all such persons as may by the aforesaid line be annexed to the county of Iredell, and who are now inhabitants of Burke or Wilkes counties, any thing to the contrary notwithstanding.

Sheriffs of Burke and Wilkes to finish their collections, &c.

CHAP. XXXII.

An Act for adding part of the county of Martin to Edgcomb.

WHEREAS adding the south-west corner of Martin county to Edgcomb will greatly relieve the inhabitants thereof:

I. *Be it therefore enacted by the General Assembly of the state of* North-Carolina, *and it is hereby enacted by the authority of the same*, That all that part of the county of Martin south-west of

Part of Martin added to Edgcomb county.

1793.

of the line beginning where the line dividing Edgcomb and Halifax strikes Martin, running thence a straight course to the Wolf-Pond near the Indian-Branch, thence to the great Cypress-Pond on William's thick, from thence to Thomas Taylor's as straight as may be so as to include Micajah May's, from thence due south to Pitt county line, be added to the county of Edgcomb; and that from and after the passing this act, all that part of the county of Martin within the bounds above prescribed be annexed to and made part of the county of Edgcomb, and the inhabitants thereof shall be subject and liable to the same rules, orders, taxes and privileges, as any others the inhabitants of the county of Edgcomb.

Commissioners appointed to run the line.

II. *And be it further enacted by the authority aforesaid*, That George Cockburn, John W. Mayo, William Hyman, John Burnet and Robert Sherrard, be appointed as Commissioners to lay off and divide the same as nearly within the limits above mentioned as the nature of the case will admit; which said line, when run by the Commissioners aforesaid, shall be by them entered on record in each of the said counties of Martin and Edgcomb. *Provided nevertheless*, That nothing herein contained shall be so construed as to hinder any Sheriff, collector or tax-gatherer from collecting his or their taxes, in the same manner as if this act had never been made.

Proviso.

Court to make allowance to the Commissioners.

III. *And be it further enacted by the authority aforesaid*, That the County Court of Edgcomb shall make such allowances to the aforesaid Commissioners, for running said dividing line, as they deem adequate to the service; which said allowances, when made, shall be paid out of the county tax of the aforesaid county of Edgcomb.

Regulation respecting lands entered in Martin, &c.

IV. Whereas it may be that some of the inhabitants of that part of Martin county that by this act is annexed to Edgcomb have entered land in the entry-office of Martin: *Be it therefore enacted by the authority aforesaid*, That where any person shall have entered lands as aforesaid, the Entry-taker of the county of Martin is hereby empowered and directed to make out warrants and orders of survey, and direct them to the Surveyor of Edgcomb county; which said Surveyor is hereby ordered and empowered to survey said land, to take the same fees, and make the same transmittance thereof, as if the same had been entered in the entry-office of Edgcomb.

Jurors.

V. *And be it further enacted*, That in future the county of Edgcomb, in consequence of the above addition of its inhabitants, shall send to the Superior Court of Halifax one juror more than formerly done, and that the county of Martin, in consequence of its loss of inhabitants as aforesaid, shall send one juror less than hitherto, any law or usage to the contrary notwithstanding.

CHAP. XXXIII.

An Act for opening and clearing out the Yadkin and Peedee Rivers.

WHEREAS it is represented to this General Assembly, that the opening and clearing out the Yadkin and Peedee rivers would be of utility to all the inhabitants near thereto in promoting and encouraging merchandize, and result a general benefit to the community at large:

Yadkin company incorporated, &c.

I. *Be it therefore enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same*, That the said rivers be opened as soon as possible, and for the effecting of the same, that Charles Gordon, junior, Charles Gordon, senior, David Witherspoon, Jonathan Haynes, William Meredith, Jesse Lester, Job Martin, Adonijah Harbour, Samuel Kerby, John Carter. Charles Hunt, Francis Poindexter, Joseph Williams, Robert Williams, junior, Stephen Riddle, Gabriel Enochs, Hardy Jones, Richmond Pearson, Dugles Haden, Alexander Long, Spruce Macay, William Cole, John Crump, William Cupples, Walter Leek, John Speed, Thomas Wade and Thomas Bluett, be and they are hereby appointed, incorporated and styled the Yadkin Company, with full power to receive subscriptions or donations from such public spirited persons as may be inclined to aid this laudable undertaking, and dispose thereof as they may think best for the purposes aforesaid; and that they by the said name and style may sue and be sued, implead and be impleaded, in any Court in this state, and make such rules for their own government as they shall think proper, not inconsistent with the constitution or laws of this state.

Meeting of the Commissioners, &c.

Vacancies how filled.

II. *And be it further enacted*, That the said company shall meet at the Shallow-ford, in Surry county, on the seventeenth day of April next, to devise or form such regulations as to them may seem convenient for the speedy effecting of this work, and to point out some mode in receiving and appropriating subscription money for that purpose; and in case of refusal to act, death or removal of any one of the said company, the majority of them when convened, who are hereby in all cases whatsoever constituted a quorum, shall appoint such person or persons to fill all such vacancies; and the Commissioners or persons so appointed shall have the same power, and exercise the same authorities, as the others may or can exercise by this act. And if any person or persons shall wilfully cut, break down, damage or destroy any bank or other work by this company erected for the purpose of clearing out and making the said rivers navigable, or do any act or thing designed to injure the said navigation, such person shall be answerable to the said company for double the damages thereby sustained.

Pen. for damage done the works.

Court to appoint overseers.

III. *And be it further enacted*, That the Courts of the counties on the said rivers respectively shall appoint overseers on different parts of the said rivers, as to them may seem convenient,

1793.

ent, for the purpose of clearing out the same; and each and every overseer is specially and directly required by this act, to call on all hands within five miles of the said rivers on both sides that are subject to work on roads, to assist in working and clearing out all places that will not admit the passage of boats with ease. Their duty.

IV. *But be it further enacted*, That no county line nearer than five miles to any overseer's part shall prevent any person or persons from doing their portion of labour on his said overseer's part; and if any person liable to work on the same by this act, upon three days notice given by his overseer, shall fail to do the same, he shall forfeit and pay the sum of five shillings for every day that he is absent from doing his necessary part of labour thereon, to be recovered before any jurisdiction having cognizance thereof: *Provided*, That no person shall be liable to work more than twelve days in every year on the same: And all which fines shall be paid into the hands of the overseer, and by him accounted for to the company, to be applied to the use of effecting the said navigation: And that this act shall be deemed as a public act, and judicially and liberally construed as such, for carrying the purposes aforesaid into effect. Persons liable to work on the river, &c. Penalty. Proviso.

CHAP. XXXIV.

An Act to amend an act, entitled, "An act to facilitate the navigation of Cape-Fear-river from Fayetteville to the confluence of Haw and Deep rivers."

WHEREAS there is a number of fish dams, hedges and other obstructions in the aforesaid river, and doubts may arise whether the Cape-Fear Company have power by the aforesaid act to cause them to be removed without subjecting themselves to suits:

I. *Be it therefore enacted by the General Assembly of the state of* North-Carolina, *and it is hereby enacted by the authority of the same*, That as soon as the company aforesaid shall begin to clear the river aforesaid, they shall have power to remove, or shall cause to be removed, all such fish-dams, hedges or other obstructions which they or any other person working under them shall deem to be in the way of the navigation from Fayetteville up to the confluence of Haw and Deep rivers aforesaid; and any person or persons who shall thereafter erect or put up any stop, dam, hedge or ware, so as to obstruct the navigation aforesaid, shall forfeit and pay the sum of fifty pounds, to be recovered and applied as is heretofore directed. Company's power to remove all obstructions, &c. Pen. for erecting any stop, dam, &c.

II. *And be it further enacted*, That no person or persons shall hereafter fall any tree or roll logs into the aforesaid river, under the penalty of five shillings for every such offence, and shall also remove the trees or logs out of the river aforesaid. Falling trees or rolling logs in said river.

III. *And be it further enacted*, That all persons living within two miles of Cape-Fear-river, from Fayetteville up to the confluence of Haw and Deep rivers, that are liable to work on roads, or are obliged by law to attend musters, shall be obliged to work on the river aforesaid, not exceeding twelve days in each year, when thereto required by the company aforesaid, or the director of the work, who the said company may appoint to overlook for them; and on neglect or refusal to attend and work, they first having five days notice, each and every person shall forfeit and pay the sum of five shillings for every day he shall neglect or fail to do the duty required. Persons liable to work on the river. Penalty.

IV. *And be it further enacted*, That all the fines and forfeitures that are by this act imposed, shall be recovered in the name of the President of said company for the time being, and before any jurisdiction having cognizance thereof, and the monies arising therefrom to be applied to the facilitating of the navigation of Cape-Fear-river aforesaid. Fines how recovered and applied.

CHAP. XXXV.

An Act to amend two former acts for the purpose of making Cross-Creek navigable.

WHEREAS it has been represented to this Assembly, by the Fayetteville Canal Company, that from several unforeseen misfortunes the progress of their works has been greatly retarded, and that much longer time than was at first expected will be required for making the said navigation useful:

I. *Be it therefore enacted by the General Assembly of the state of* North-Carolina, *and it is hereby enacted by the authority of the same*, That five years longer time than has been allowed by the former acts be granted to the said company, for making the navigation of Cross-Creek useful. Longer time allowed for compleating the navigation.

CHAP. XXXVI.

An Act to repeal part of an act, entitled, "An act to prevent the obstruction of fish running up New-river, in Onslow county," and to alter the times of holding the County Court of Bertie.

WHEREAS the above recited act, preventing any person or persons from drawing any seine in any part of New-river, below a place known by the name of Hatch's Point, of more than twenty meshes deep, hath proved to be oppressive and injurious to many good citizens of this state:

I. *Be it therefore enacted by the General Assembly of the state of* North-Carolina, *and it is hereby enacted by the authority of the same*, That the above recited act, so far as the said act prevents the setting or hauling seines or nets below Hatch's Point, be and the same is hereby repealed and made void. Part of an act repealed.

II. *And be it further enacted by the authority aforesaid*, That the County Court of Bertie shall hereafter commence and be held on the second Mondays of February, May, August and November; to which times respectively all matters and things in the said Court shall stand adjourned, and all process be returnable, in the same manner as heretofore to the first Mondays of those several months: *Provided*, That this alteration shall not take effect until after the session of the said Court which shall be held in February next. Times of holding Courts in Bertie county.

1793.

CHAP. XXXVII.

An Act for the regulation of the town of Warrenton.

WHEREAS the act passed in the last session of the General Assembly of this state, for the regulation of the town of Warrenton, being considered by the inhabitants of the said town as inadequate to the purpose for which it was intended:

I. *Be it therefore enacted by the General Assembly of the state of* North-Carolina, *and it is hereby enacted by the authority of the same,* That William Falkner, John Hall, Jacob Mordecai, Marcus George, Kemp Plumer, James Turner and Robert Gillespie, be and they are hereby appointed Commissioners for the said town of Warrenton, and shall have full power and authority to enforce obedience to the laws which shall be made for the regulation of the said town and to punish offenders; and shall be and they are hereby authorised to issue his or their warrant, directed to the town Constable, to summon all offenders against the laws, rules and ordinances made for the regulation of the said town, to appear before him or them, and on conviction, which shall be in manner of trials before Justices of the Peace, the said Commissioner or Commissioners is and are hereby required and authorised to give judgment and award execution, agreeable to the laws, rules and ordinances provided for the government of the said town; which warrant or execution the town Constable is hereby required to execute: And on such trials or enquiries the said Commissioner or Commissioners is and are hereby authorised and declared to possess all the necessary powers to administer oaths, summon and examine witnesses, and shall each take the following oath, before they enter on the duties of their office: "I A. B. do solemnly swear, that as Commissioner of the town "of Warrenton I will do equal right in all cases to the best of my judgment, and according to the laws, rules and ordi-"nances made for the good government of the said town (not incompatible with the laws of the state), and all fines and "amercements that may happen to be made I will cause to be returned to the proper officer; and in all things belonging to "my office, during my continuance therein, I will faithfully, truly and justly, according to the best of my skill and abi-"lity, do equal and impartial justice to the public and to individuals."

II. *And be it further enacted,* That from and after the passing of this act all free men of the age of twenty-one years and upwards, who shall have resided twelve months in the town of Warrenton aforesaid, shall convene annually, on the third Monday in February, for the purpose of electing Commissioners thereof; which Commissioners, when elected, shall have power to nominate and appoint their Clerk and Treasurer out of their own body for the year ensuing; which Treasurer shall be their Chairman; and that a majority of the said Commissioners shall constitute a quorum, nor shall any laws, rules and ordinances be made by a less number.

III. And whereas it may be found inconvenient to collect and enforce the attendance of the Commissioners, when the exigencies of the town require it: *Be it therefore enacted by the authority aforesaid,* That if any Commissioner shall, after notice or summons of any Commissioner, countersigned by the Clerk, (such notice or summons to contain the time and place of meeting and shall be served at least two days previous to such meeting) fail to give his attendance, he shall forfeit and pay the sum of twenty shillings, unless prevented by any cause which may be deemed satisfactory to the said Board of Commissioners; which fines and forfeitures shall be applied to the improvement of the said town; and that in case of death, removal, neglect or refusal to act of any of the said Commissioners, it shall and may be lawful for the persons duly qualified to be electors, to assemble (ten days previous notice being given by the Chairman of the said Commissioners in writing affixed to the court house) in the said town of Warrenton, to elect another or other inhabitants, owning a dwelling-house and lot or lots, to supply the said vacancy or vacancies, and he or they so elected shall have the same power and authority as those nominated by this act; which election shall be by poll. And the said Commissioners are hereby enabled and authorised to appoint an overseer or overseers of the streets, and shall have full power to lay a tax, not exceeding two shillings on every hundred pounds worth of town property, and the same amount on every poll, to be applied as the Commissioners shall direct, but always to the improvement and advantage of the said town.

IV. *And be it further enacted by the authority aforesaid,* That the Commissioners at their first meeting which shall be on the first Monday in March next, shall pass an act or ordinance directing in what manner the streets of the said town shall be improved; and they or a majority of them be and they are hereby authorised and empowered, to levy a tax upon the inhabitants of the said town for the purpose of building a market-house therein, on such lot as to them shall seem most fit and convenient to the inhabitants of the town, the expence of which shall not exceed thirty pounds, and the same, together with any additions or improvements that may be hereafter made, the said Commissioners shall stand indefeasibly possessed of, to them and their successors in office; and all deeds of sale relative to the same shall be duly recorded.

V. *And be it further enacted,* That all free males of twenty-one years of age and upwards, who shall have usually resided in the said town for the space of one month previous to the first day of January annually, and all others the proprietors of any lot or lots in the said town, (orphans excepted) shall be deemed liable to pay taxes, and shall be taxed accordingly, as well for the year one thousand seven hundred and ninety-four as for each succeeding year, at the discretion of the Commissioners, in any sum not exceeding two shillings per poll.

VI. And in order that a just and accurate list of all persons and property in this town may be obtained, *Be it further enacted,* That the Commissioners or any one of them shall be enabled to receive from the inhabitants of the said town, and others by this act liable to be taxed, (any time between the first day of June and the first day of October next ensuing, and so annually to continue to do) true and accurate lists on oath of all polls and property to them belonging which by this act is made liable to taxation, which lists shall be accurately entered by the Clerk at the first meeting of the said Commissioners; and every person failing to give in on oath lists as aforesaid, shall be assessed in double the amount of the tax for which he or she would otherwise be liable, to be recovered in the most summary manner.

VII. And whereas there are some encroachments by piazzas and enclosures upon the streets of the said town, which though not attended with any immediate danger or injury, yet may be the cause of trouble to the proprietors or their successors; therefore to prevent any vexations, litigations in law respecting such as are now standing, and to stop any future encroachments, *Be it enacted by the authority aforesaid,* That the Commissioners of the said town are hereby empowered and directed to take cognizance of the same, and if the owner of such encroachment should not be willing to remove the same, the said Commissioners shall impose a ground-rent, not exceeding one shilling for every foot encroaching or projecting on the street, to be annually paid for each piazza, fence or other encroachment on the street, to be applied to the public stock of the town; and if any person shall refuse or neglect to pay such ground rent, the same shall be levied by a warrant under the hands of the Commissioners, or any one of them, directed to any person by them appointed for that purpose, on the goods and chattels of the delinquent: And that from and after the passing of this act it shall not be lawful for any person to make encroachments on the said streets, either by piazza, enclosure or fence; and it shall be the duty of the said Commissioners to prevent the same.

VIII. *And be it further enacted,* That in all cases of controversy concerning lines or the boundaries of lots, it shall be in the power of the Commissioners of the town, together with three inhabitants of the said town, whom the Commissioners shall summon for that purpose, to determine such dispute so far as the lines may be in question, and in case where the original corner or corners of a square may be ascertained by old plats or surveys, the Commissioners and the said three inhabitants shall determine the same; and the intermediate loss or gain, when the sides of the square shall appear to be too short or too long from any change that may have happened in the level or surface of the ground, shall be equally divided among the several proprietors of lots in that square, and all expence of such survey shall be equally borne by such proprietors.

IX. *And be it further enacted,* That in case where encroachments have been made upon any lot or part of lots, by buildings which have been erected, through ignorance of the true boundary, the party encroached upon shall not be at liberty to bring suit by ejectment in the first instance, but on application to the Commissioners they shall order and direct six inhabitants of the said town to be summoned, which inhabitants, together with a sworn surveyor, shall measure and value the ground thus encroached upon, and the offending party upon paying the costs of such survey, to be assessed by the Commissioners,

1793.

missioners, together with the whole amount of the valuation money of such covered ground, within the space of thirty days from the time of the process, to the party offended, or to the Treasurer of the town, and obtaining a receipt for the same, shall be vested in a clear and absolute title to such covered ground forever. But in case the valuation money should not be paid by the party trespassing, agreeable to the orders of the Commissioners, the process shall be considered of none effect, the party trespassing shall pay the costs of said process, and be further liable to a suit by ejectment, any thing in this state to the contrary notwithstanding. *Provided*, In all cases whatever respecting the judgment of the Commissioners, in consequence of the authority delegated to them by this act, any person or persons being dissatisfied with such judgment, he, she or they shall have the liberty of appealing therefrom to the Court of Pleas and Quarter-Sessions for the county of Warren.

X. *And be it further enacted*, That each and every person, holding any unimproved lot or lots in the said town, shall for every such lot be liable to a tax of five shillings annually, and shall be assessed accordingly; and the monies arising from such assessment to be collected in manner before directed: *Provided nevertheless*, That it is hereby expressly declared that dwelling-houses of every kind, or enclosures either by rails, paling or plank extending the full length and breadth of the lot or lots, shall be deemed improvements under this act: *And provided also*, That no person or persons owning a lot or lots in the said town of Warrenton, who shall be out of this state at the time of passing this act, shall be liable to the said tax until the expiration of two years from the time of passing the same. And the Commissioners shall cause the same to be advertised in the most public manner at the expiration of every three months during the aforementioned term of two years, after which time, if no claimant appears, nor any person or persons with sufficiently attested documents to prove his, her or their right or rights to make the improvements required by this act, it may and shall be lawful for the Commissioners of the said town to dispose of such lot or lots by public sale, the said Commissioners giving three months notice by writing affixed to the court house in the said town; and the amount of such sale or sales of lot or lots to be appropriated to the improvement and benefit of the said town.

XI. *And be it further enacted by the authority aforesaid*, That no person shall strain a horse in any public street of the said town, so as to endanger the lives of children or other helpless inhabitants; and any person so offending shall be fined by the Commissioners, or any one of them, in any sum not exceeding five shillings, to be recovered in manner before mentioned, and to be appropriated to the advantage of the town.

XII. *And be it further enacted*, That the act heretofore passed for the regulation of the town of Warrenton be and the same is hereby repealed and made void.

CHAP. XXXVIII.

An Act for the better regulation of the town of Wadesborough, in the county of Anson.

WHEREAS the situation of the court-house, prison and stocks is very near the dwelling and other houses in said town, which renders the court house, prison and so forth in danger of being consumed by fire: For remedy whereof,

I. *Be it enacted by the General Assembly of the state of* North-Carolina, *and it is hereby enacted by the authority of the same*, That Thomas Wade, William Johnston and Ingoe Dozer Cash, be and are hereby appointed Commissioners, to see that no person hereafter under the violation of this act shall build or erect, or cause to be erected, any other chimney in the improvement of their lots than a safe stone or brick chimney, that will not render the said court-house, gaol or other houses in said town in danger of the fire thereof.

II. *And be it further enacted*, That if any person or persons shall build or erect any other chimney than aforesaid, such person or persons shall forfeit and pay the sum of twenty pounds, to be recovered by the said Commissioners, or a majority of them, before any jurisdiction having cognizance thereof, to be applied to the use of the poor in said county, any law, custom or usage to the contrary notwithstanding.

CHAP. XXXIX.

An Act to prevent any person or persons from hauling or working two seines at the same time and place on Tar river.

WHEREAS it is almost practicable to prevent fish from running up said river by working two seines at the same time and place, by shooting one out as the other is hauled in:

I. *Be it enacted by the General Assembly of the state of* North-Carolina, *and it is hereby enacted by the authority of the same*, That it shall not be lawful for any person or persons so to work two seines at the same time and place in any one fishing-hole on said river, under the penalty of five pounds for each and every offence, to be recovered before any Justice of the Peace in the county wherein such offence may be committed, to the use of the person who shall sue for the same.

CHAP. XL.

An Act for the regulation of the towns of Morganton and Lincolnton.

I. BE *it enacted by the General Assembly of the state of* North-Carolina, *and it is hereby enacted by the authority of the same*, That from and after the passing of this act, the inhabitants of the said towns of Morganton and Lincolnton respectively are required to meet at the court-houses respectively in the said towns, on the first Tuesday of March in every year, then and there to choose five Directors for each of the said towns, by ballot, under the inspection of two persons to be chosen for that purpose, by the freeholders of each of the said towns who shall be present; and all the inhabitants of the said towns, and lot-holders therein, although not inhabitants, who are entitled to vote for members of the Assembly, shall be entitled to vote at the said election for Directors of the town whereof they are inhabitants or wherein they are lot-holders.

II. *And be it further enacted by the authority aforesaid*, That the said Directors, when chosen, or their successors, or a majority of them, shall have full power and authority for the town whereof they are Directors, to make rules and regulations for the opening, extending and clearing the streets, and shall have power to remove all obstructions, encroachments and nuisances whatsoever from the streets and public squares of said towns respectively, at the expence of the party making such obstruction, encroachment or nuisance. And the said Directors and their successors, or a majority of them, for such town whereof they are Directors, shall have full power and authority to sue for and recover all penalties and fines which shall be recoverable, for the use of the towns respectively; and no suit for such penalty shall abate by reason of the death or removal of the said Directors, or either of them, but may be prosecuted to final judgment and execution by their successors. And the said Directors of each of said towns shall also appoint a Treasurer for such towns on the day succeeding their own election, who shall give bond and sufficient security for the faithful discharge of his office, and for settling and paying op any balance that may remain in his hands to the Treasurer that may be appointed for the succeeding year.

III. *And be it further enacted*, That the said Directors, for the town whereof they are Directors, or a majority of them, and their successors, shall have power to lay a tax annually of one shilling on every hundred pounds value of lots in the said town, to be applied to the purpose of clearing the streets and enclosing the public square, and building a market house, to be collected by such person as they shall appoint collector of taxes in the said town, who is hereby empowered to distrain in case of non-payment of the tax aforesaid.

IV. And whereas wooden chimnies of houses built upon the lots adjoining the main streets that are around the public square would encrease the dangers by fire: *Be it therefore enacted by the authority aforesaid*, That no person or persons shall build, or suffer to be built, any wooden chimney on his or their lot adjoining the main streets aforesaid, under the penalty of twenty shillings for every month that such chimney shall stand built upon his, her or their lot as aforesaid.

V. *And be it further enacted*, That any person or persons owning wooden chimnies already built upon lots adjoining the said main streets, shall remove them within two years after the rising of this present General Assembly; owner or owners of such wooden chimnies, who shall not remove the same within the term of two years, shall forfeit and pay twenty shillings for every month that he or they shall suffer the same to remain.

VI. *And be it further enacted*, That during the terms of the Superior Courts and County Courts, which may be held in either

either of the said towns, it shall be and it is hereby declared to be a nusance, for any suttling waggon or cart, or other carriage, to remain on the public square, or on the main streets adjoining the said squares, for the purpose of selling by retail; and that the owner or driver of any suttling waggon, cart or other carriage, who shall suffer his or her carriage to remain on the public squares, or on the main streets adjoining the public squares, for the purpose of selling by retail, during the terms of either of said Courts, shall forfeit and pay the sum of ten shillings for every offence.

VII. *And be it further enacted*, That all the penalties and forfeitures mentioned in this act shall be recovered in the name of the Directors of said towns respectively, where incurred, in a summary way, before any Justice of the Peace, for the use of such town, and shall be applied, by order of the said Directors or a majority of them, for the purpose of clearing the streets, enclosing the public squares with a line of posts on each side thereof, and for building a market-house in each of the said towns respectively, where such penalties were incurred and recovered.

CHAP. XLI.

An act for granting separate elections to the inhabitants of Tyrrell county, and for establishing a town on the lands of John Hassell, on the east side of Scuppernong river, in the said county.

WHEREAS the inhabitants of Gum-neck district, in the county of Tyrrell, are so situated that it is very difficult and frequently impracticable for them to attend elections at the places now established for that purpose:

I. *Be it enacted by the General Assembly of the state of* North-Carolina, *and it is hereby enacted by the authority of the same*, That from and after the passing of this act, it shall be the duty of the Sheriff of the said county of Tyrrell, by himself or lawful deputy, to open the poll and hold an election for members to represent the said county in the General Assembly of this state, at the house of John Livermore, senior, within the said district of Gum-neck, on the Friday preceding the second Thursday of August in every year, and keep the same open until sunset of the said Friday, at which time and place it shall be lawful for the inhabitants of the said district, and the adjacent places, to give their votes for persons to represent the said county in the Senate and House of Commons of this state, agreeable to the constitution and laws thereof; and after the poll is closed, the Inspectors of the poll shall, in presence of the Sheriff or his deputy as aforesaid, seal up the boxes containing the votes so taken, that they may be by him transmitted to the court-house of the said county.

II. *And be it further enacted*, That the ballots taken in manner before directed shall be counted with and considered a part of the ballots given at the annual election for said county: And *provided also*, That nothing herein contained shall be construed to deprive any person, having a right to vote in the said county and not having previously given his vote, of the privilege of voting at the court-house as formerly.

III. And whereas it is represented to this General Assembly that the inhabitants of the said county are desirous of establishing a town on the lands of John Hassell, on the east side of Scuppernong-river, and that thirty acres of land are already laid off for that purpose: *Be it further enacted*, That Hezekiah Spruill, John Wynn, Richard Howatt, Abner Alexander and Seth Phelps, be and they are hereby appointed Commissioners, to agree for, purchase and receive title to the said thirty acres of land so laid off as aforesaid; and they or a majority of them are hereby empowered to make an accurate plan of the said land, as it is now laid off into lots and streets, numbering the lots and naming the streets.

IV. *And be it further enacted*, That the land so purchased of the said John Hassell, laid off into streets and lots as aforesaid, shall and it is hereby established a town, to be called and distinguished by the name of Elizabeth-Town.

V. *And be it also enacted*, That as soon as a sufficient number of the said lots shall, in the opinion of the said Commissioners or a majority of them, be subscribed for, the Commissioners shall cause the said lots to be drawn for, and such of the said lots as remain, shall and are hereby vested in the said Commissioners, for the use of the said town.

VI. *And be it further enacted*, That if any Commissioner hereby appointed shall refuse to act, die, or remove out of the county, the survivors or remaining Commissioners are hereby empowered to elect another in the place of him or them so refusing, dying or removing.

CHAP. XLII.

An act to amend an act, entitled, "An act for establishing a town on the land of Benjamin Wynns, on Chowan river."

WHEREAS the Directors or Commissioners heretofore appointed by the authority of the said act, have by death or removal become inadequate to carry the same into effect:

I. *Be it enacted by the General Assembly of the state of* North-Carolina, *and it is hereby enacted by the authority of the same*, That Robert Montgomery, William Wynns, Francis Bell, William Brickell, John Stephen Hill, William Baker Wynns, and Thomas Noyal Brickell, be and they are hereby declared to be the Directors or Commissioners of the town of Wynnton, established by the authority of the aforesaid act; and they are hereby vested with the same powers, and required to perform the same duties, as were vested in or required of the Directors or Commissioners appointed by the authority of the act aforesaid.

II. *And be it further enacted*, That the Commissioners hereby appointed, or a majority of them, shall have power to make such regulations, not inconsistent with the constitution or laws of this state, as may tend to the good government of the said town, and to compel the inhabitants thereof to work upon the streets, under the same rules and restrictions as are prescribed by law for working on public roads.

CHAP. XLIII.

An act for establishing an academy in the town of Tarborough, and for authorising the Justices to raise a sum, not exceeding one thousand pounds, for the benefit of such academy.

I. BE *it enacted by the General Assembly of the state of* North-Carolina, *and it is hereby enacted by the authority of the same*, That John Leigh, Etheldred Philips, Amos Johnson, Edward Hall, Jacob Battle, John Ingles and Blake Baker, be and they are hereby declared to be a body politic and corporate, to be known and distinguished by the name of the Trustees of the academy of Tarborough, and by that name shall have perpetual succession and a common seal; and that the Trustees and their successors, or a majority of them, by the name aforesaid, shall be able and capable in law to take, demand, receive and possess, all monies, goods and chattels that shall be given them for the use of the said academy, and the same to apply according to the will of the donors; and by gift, purchase or devise to take, have, receive, possess, enjoy and retain, to them and their successors forever, any land, rent, tenements and hereditaments, of what kind, nature or quality soever the same may be, in special trust and confidence that the same or profits thereof shall be applied to and for the use and purposes of establishing and endowing the said academy.

II. *And be it further enacted*, That the Trustees and their successors, or a majority of them, by the name aforesaid, shall be able and capable in law to bargain and sell, grant, demise, alien, or dispose of and convey and assure to the purchasers, any such lands, rents, tenements and hereditaments aforesaid; and further that the said Trustees and their successors forever, or a majority of them, shall be able and capable in law, by the name aforesaid, to sue and implead, be sued and impleaded, answer and be answered, in all Courts of record whatsoever; and they shall have power to open and receive subscriptions, and in general they shall and may do all such things as are usually done by bodies corporate and politic.

III. *And be it further enacted*, That on the death, refusal to act, resignation or removal out of the state of any of the Trustees for the time being, it shall be lawful for the remaining Trustees, or a majority of them, and they are hereby authorised and required, to elect and appoint one or more Trustees in the place of such Trustee or Trustees dying, refusing to act, resigning or removing.

IV. *And be it further enacted*, That the said Trustees, in order to carry the present act into effect, shall have power to choose a President of the Board, Secretary and Treasurer; and the Treasurer shall hold his office for the term of two years, and enter into bond to the President of the Board for the time being, in the sum of two thousand pounds, conditioned for the faithful discharge of his office and the trust reposed in him, and at the expiration of his office shall account for, pay and deliver over to the succeeding Treasurer, all monies that may be in his hands belonging to the Trustees; and on

1793.

his neglect or refusal to account for, pay and deliver as aforesaid, the same method of recovery may be had against him as is or may be provided for the recovery of monies from Sheriffs or other persons chargeable with public monies.

V. *And be it further enacted*, That the said Trustees, or a majority of them, shall be and they are hereby authorised and empowered, to raise by way of lottery, to be drawn under their particular superintendance and inspection, a sum or sums not exceeding one thousand pounds, for the use and benefit of the said academy.

CHAP. XLIV.

An act to establish a seminary of learning in the town of Lumberton, and Raft Swamp, in the county of Robeson.

WHEREAS the establishing a seminary of learning in the town of Lumberton, and at Raft-Swamp, in the county of Robeson, may be attended with great advantage to the education of youth in said county:

I. *Be it therefore enacted by the General Assembly of the state of* North-Carolina, *and it is hereby enacted by the authority of the same*, That John Willis, John Brown, Robert Halls, Joshua Pharoah, John Noyes, John Storm, Josiah Barnes, John Belton, Neil Brown, Sampson Bridgins and John Deus, be and they are hereby appointed Trustees to the seminary at Lumberton, and Archibald M'Kay, Neil Murphey, Hector M'Neil, Neil Brown, Archibald M'Mullan and John Gilchrist, Trustees to the seminary at Raft-Swamp, with full power and authority to receive all donations, gratuities and gifts into their hands and possession, as well money as other property, that may be subscribed for the purpose of erecting and supporting the aforesaid seminaries of learning in the county of Robeson; and the said Trustees and their successors shall be able and capable in law to ask for, recover and receive from the several subscribers, all sums by them respectively subscribed, and in case of refusal of any of them to pay the same, to sue for and recover, by action of debt or otherwise, in the name of the Trustees, the sum which such person so refusing shall have subscribed, before any jurisdiction having cognizance thereof; and the monies when collected and received, to be applied by the Trustees or a majority of them towards employing a Tutor or Tutors, and building a house or houses for that purpose in said town and Raft-Swamp; and to perform every act or thing which they or a majority of them shall think most advisable and necessary for the advancement and promotion of literature in each of the aforesaid seminaries.

II. *And be it further enacted*, That the Trustees herein before mentioned shall, previous to their entering on the execution of the trust reposed in them by this act, give bond to the Court of the county, payable to the Chairman or his successors, in the sum of one thousand pounds specie each, with condition that they shall truly and faithfully account for and apply all gifts, gratuities, donations, bequests and monies, which they may receive of and by virtue of this act for the purposes aforesaid.

III. *And be it further enacted*, That if any of the Trustees by this act appointed shall die, refuse to act or remove, so that he or they cannot attend the duties of their appointment, a majority of the remaining Trustees may appoint another or others in his or their room and place, who shall exercise the same powers as Trustees appointed by this act, and when convened shall have power and authority to appoint a Tutor or Tutors and Treasurers, and also to make and ordain such rules and regulations (not repugnant to the laws of the state) for the well ordering the students, their morals, virtues and academical exercises, as to them shall seem meet, and to give certificates to such students as shall leave the said seminary, certifying their literary merit; and in general they may do and exercise all such things as are usually done by bodies politic and corporate, or such as may be necessary for the promotion of learning and virtue; and the said Trustees shall have power to remove the Tutor or Tutors, Treasurer or any of them belonging to their respective seminaries, when they shall think it necessary; or on their death, resignation or refusal to act, to appoint others in the place of those so dying or resigning.

IV. *And be it further enacted*, That the Trustees by this act appointed, or a majority of them, shall meet annually, on the third Monday in January in each and every year, or at any other time they may think more convenient, and elect a proper person out of their own body to preside for the term of one year, who may convene the Trustees at any time necessity may require.

V. *And be it further enacted*, That the Treasurer of each Board of Trustees hereby appointed, shall enter into bond with sufficient security to the said Trustees, conditioned for the faithful discharge of the trust reposed in him by this act, and that all monies and chattels that shall be in his hands shall be immediately paid into the hands of the succeeding Treasurers; and every Treasurer shall receive all monies, donations, gifts, gratuities, bequests and chattels that may belong or accrue to each of the said seminaries.

CHAP. XLV.

An act to pardon and restore to credit Thomas Costello.

WHEREAS Thomas Costello was convicted of petit larceny at the County Court of Johnston, and as it has been represented to this General Assembly that there is a great probability that the prosecution was malicious, and being only supported by the testimony of the prosecutor; wherefore it appears unjust that the said Costello should be deprived of the rights of citizenship, when strong proof is produced of his innocence:

I. *Be it therefore enacted by the General Assembly of the state of* North-Carolina, *and it is hereby enacted by the authority of the same*, That Thomas Costello be, and he is hereby declared to be, pardoned and restored to credit, in as full and ample a manner, as if he the said Thomas Costello had never been convicted of the said crime, and that due faith and credit shall be given to his oath and testimony in all judicial proceedings in this state, any thing to the contrary notwithstanding.

CHAP. XLVI.

An act to establish an inspection for tobacco on the north side of Dan river, in the county of Rockingham, on the lands of John Leak.

WHEREAS it is represented to this General Assembly by petition, that an inspection for tobacco on the lands of John Leak, in the county of Rockingham, might be highly beneficial to the citizens of that and the adjoining counties: And whereas it is further represented that the said John Leak has erected a sufficient house for the reception and storage of tobacco at Leaksville, in the county aforesaid:

I. *Be it therefore enacted by the General Assembly of the state of* North-Carolina, *and it is hereby enacted by the authority of the same*, That the County Court of Rockingham shall annually appoint two discreet persons, acquainted with the nature and quality of tobacco, to be Inspectors thereof, at the ware-house erected by the said John Leak, at Leaksville aforesaid; who shall take the same oaths, be subject to the same rules, regulations and restrictions, and be entitled to the same fees and emoluments, which Inspectors of tobacco are subject and entitled to in this state; and all tobacco so inspected at Leaksville aforesaid, shall be held and deemed merchantable, as if inspected at any other inspection. And the Turners up to be appointed at the ware-house aforesaid, shall be entitled to the same fees that Turners-up are entitled to at any tobacco-inspection in this state.

II. *And be it further enacted*, That it shall and may be lawful for the said John Leak to demand and receive, for all tobacco and other produce stored in his ware house aforesaid, the same fees for storage as are demanded and received at any of the ware-houses in this state.

CHAP. XLVII.

An act to incorporate the inhabitants of Rutherfordton, in the county of Rutherford, with power to lay a tax for the use of the said town, and to give a further time to James English to build a dam across Second Broad river, and to appoint a Commissioner in the place of Samuel Carpenter, resigned, to authorise the County Treasurer to appoint Collectors.

I. BE *it enacted by the General Assembly of the state of* North Carolina, *and it is hereby enacted by the authority of the same*, That the present inhabitants of Rutherfordton be and they are hereby declared to be a body politic and corporate, to be known and distinguished by the name of Union Society; and the said inhabitants, or a majority of them, by the name aforesaid, are hereby declared to have full power and authority to lay a tax on all the taxable property of said inhabitants,

and

and shall have power to collect and apply the same in discharging the expences of said town; which said tax shall be laid for such sum, and be continued for such length of time, as said corporation may conceive consistent with the circumstances of the inhabitants, and the regulations and improvements of the same: *Provided*, That the said corporation shall not at any time lay a tax exceeding two shillings upon every poll, and eight-pence on every hundred acres of land that they may be possessed of at the time the said corporation shall in each year direct a return of their taxable property, and two shillings on every hundred pounds value of town lots with their improvements; the return of taxable property to be made under the same rules and regulations, and under the same fines and penalties, as is directed by law for the public taxes.

II. *And be it further enacted*, That the said corporation shall have power and authority to ordain and establish such rules and regulations, to prevent any person or persons from selling by retail any kind of liquors in said town, as they or a majority of them shall deem necessary, which laws and regulations shall be made public, under the seal of said corporation, and annex such penalties and forfeitures thereto as they may deem necessary to enforce the same; and the violaters thereof shall be liable to pay the said forfeitures in the same manner as if they had been expressed in this act, to be applied to such use and purpose as the corporation may direct.

III. *And be it further enacted by the authority aforesaid*, That nothing in this act shall be so construed as to prevent any citizen of said county from selling spiritous liquors by retail, provided that they do pay forty shillings to the Sheriff, agreeable to an act passed in the year one thousand seven hundred and ninety-one.

IV. And whereas a resolution of the General Assembly was made, empowering James English to erect a dam across Second Broad river, but as said resolution could not operate against a positive law, the said English has never received any benefit thereby: *Be it therefore further enacted*, That the said James English be and he is hereby authorised and empowered to build and erect a dam across Second Broad-river, agreeably to the said resolution of the General Assembly, conforming in each and every particular to the power and authority therein given: *Provided nevertheless*, That the said James English shall not erect any dam across the river aforesaid, so as to stop the free passage of fish, unless it be for the sole purpose of erecting iron works, and in that case the said English shall make a sufficient slope, agreeable to an act made and provided for such cases.

V. *And be it further enacted*, That Isaac White be and he is hereby appointed a Commissioner, in the room of Samuel Carpenter resigned, who shall have the same power and authority in superintending and managing the public buildings in said town, and in doing and performing each and every particular respecting the same, as are given to the Commissioners formerly appointed by law for that purpose.

VI. *And be it further enacted*, That in case any of the Collectors appointed by the County Court of Rutherford should refuse to perform the duties of said appointment, in collecting the county tax, then and in that case the Treasurer for said county is hereby declared to be vested with full power and authority to appoint another or others in the room of him or them so refusing to act as aforesaid.

CHAP. XLVIII.

An act for securing and preserving the titles of the freeholders in the counties of Perquimans, Beaufort and New Hanover:

WHEREAS the records of titles for lands in the said counties are in some parts, by age or otherwise, so defaced and worn as to be scarcely intelligible, and much of the remainder greatly injured, whereby new copies thereof become necessary:

I. *Be it therefore enacted by the General Assembly of the state of* North-Carolina, *and it is hereby enacted by the authority of the same*, That the Courts of the said counties respectively (a majority of the acting Justices being present) be and they are hereby empowered, to appoint a proper person to collect all authentic books and papers wherein titles of land have heretofore been registered, and to copy the same neatly, accurately and in proper order, into books well bound and lettered; for the speedy and faithful performance of which, and for the due care and return of the said books and papers, each of the said persons shall give bond with two good and sufficient securities, in such sums as the Courts may respectively require. And the better to enable such persons, so appointed for the said counties respectively, to begin and carry through the work aforesaid, the Court upon the receipt of such bond in the Clerk's-office, and from time to time thereafter, shall make such allowances as they may deem necessary and proper: *Provided*, That not more than half the sum which they conceive will be due for the work be paid, before the whole be completed and presented to the Court for examination.

II. *And be it further enacted*, That in order to guard more effectually against any fraud or error in copying the said records, the Courts respectively, upon the records and the copies being presented to them, shall order notice to be given for the election of three freeholders in each of the said counties, to compare and examine the same, and to correct such errors as may be found in the new copies; which election shall be held at the same time and place, and in the same manner, and under the same regulations and restrictions, as the ensuing annual election for Senators of the counties, and a certificate of which election shall be returned by the Sheriff to the succeeding County Court, to be filed by the Clerks respectively among the records of the said counties, who shall also enter a copy thereof on the minutes of their several Courts; and the persons so elected shall proceed to the examination of the said records and copies without delay, and upon completing the same shall return them to the several County-Courts, with a certificate of them or a majority of them that the said new books contain a just, full and true copy of the old records, which certificate shall be sworn to, and copied at the end of the new book, and such copy of the certificate and oath shall be attested in open Court by the Clerk thereof, and countersigned by the Chairman, whereupon the said books shall be delivered to the Register of the county, and a copy from the said new books, certified by the Register as aforesaid, shall be as full and effectual in law as if the same had been made from the old records.

III. *And be it further enacted*, That it shall be the duty of the persons respectively appointed to copy the said records, and they and each of them are hereby empowered and required, to demand and receive all the old books or other authenticated documents wherein the titles of land in their respective counties have been recorded, and in case of refusal to deliver all or any part thereof, to give ten days notice to the party so refusing of an intention to complain to the succeeding County Court, on proof of which refusal and notice, the Court of the county wherein such person refusing resides shall commit him or her to close confinement in the common gaol, there to continue without bail or mainprize until the said books and papers shall be delivered up, and all costs for commitment and confinement shall be satisfied.

IV. *And be it further enacted*, That it shall and may be lawful for the Courts of the said counties respectively to make such allowance as they shall think reasonable to the persons employed in copying, comparing, examining and correcting the said books; which payment shall be provided for by a special tax to be laid on the lands within said counties until the expences of said work be paid, not exceeding eight-pence for every hundred acres of land, and eight-pence for every hundred pounds value of town property.

CHAP. XLIX.

An act for opening that part of the Catawba-river called the South-Fork, for the passage of fish in the county of Lincoln.

WHEREAS it is represented to this General Assembly, that the passage of fish in the said river is greatly obstructed by certain shoals called the High-Shoals, and if a proper slope was made through the said shoals, the said river above the said shoals is sufficiently large for the passage of fish for the distance of forty miles:

I. *Be it therefore enacted by the General Assembly of the state of* North-Carolina, *and it is hereby enacted by the authority of the same*, That David Robinson, Christian Reinhart, Joseph Morris, John Fullenwider and John Henderson, be and they are hereby appointed Commissioners, for the purpose of opening and keeping open the said South-Fork of the Catawba-river; and the said Commissioners or a majority of them shall have power to open the said river, and keep the same open in the deepest part thereof twenty feet wide, and shall have power to cut and make a slope through the said shoals, not exceeding twenty feet wide; and for the purpose of defraying the expence of making the said slope, and opening other parts of said

1793.

said river, the said Commissioners shall have power to take and receive the voluntary contributions and subscriptions of all persons who are willing to contribute towards the expences of opening said river; and shall account and settle with the County Court of Lincoln for the expenditure of all sums of money they shall receive by virtue of this act.

II. And whereas it is represented to this General Assembly that Mr. James Henderson, at his shoals in the said river, hath erected a dam which hath become a very injurious obstruction to the passage of fish, and that a sufficient slope might be made in the said dam for the free passage of fish with very little injury or damage to the said James Henderson: *Be it therefore enacted*, That the said Commissioners, or a majority of them, shall have power and authority to make a slope in the said James Henderson's dam, not exceeding twenty feet wide, in the most convenient and advantageous place for the free passage of fish; *provided* the said slope shall not lower the water at common times more than four inches at the upper part of said slope.

III. *And be it further enacted*, That every person who shall after the passing of this act erect a dam in the said South-Fork of the Catawba-river, and shall not leave open at least one-third part thereof in the deepest part thereof, for the free passage of fish, or shall put any obstruction in any slope which shall be made by virtue of this act, or shall put any obstruction in any other part of said river which shall be cleared by virtue of this act, or shall fish with a seine, net, trap or other machine, at any slope which shall be made at the High-shoals, or Henderson's shoals, by virtue of this act, shall forfeit and pay fifty pounds for every offence, to be recovered in the name of said Commissioners, by action of debt, before any jurisdiction having cognizance thereof, and applied for the purpose of opening and keeping open the said river for the free passage of fish.

CHAP. L.

An act to enable William Morrison, late Sheriff of Burke county, to collect all arrears of taxes due to him as Sheriff.

I. BE *it enacted by the General Assembly of the state of* North Carolina, *and it is hereby enacted by the authority of the same*, That William Morrison, Sheriff of Burke county, for the years one thousand seven hundred and eighty eight and one thousand seven hundred and eighty-nine, shall and he is hereby declared to have and possess full power and authority to collect all arrears of taxes due to him as Sheriff for the years aforesaid, in as full and ample a manner, and to all intents and purposes whatever, as he was formerly vested with when Sheriff for the years aforesaid: *Provided*, That this act shall not be in force after the first day of August next.

CHAP. LI.

An act to empower Currituck and Hyde County Courts to appoint Commissioners, for the purpose of appropriating to the benefit of each county respectively the public grounds adjacent to their court-houses, and to regulate the proceedings thereon, and to empower the Wardens of the poor in each county to lay a higher tax for the support of the poor thereof, and to alter the time of holding separate election in Currituck County.

I. BE *it enacted by the General Assembly of the state of* North-Carolina, *and it is hereby enacted by the authority of the same*, That the County Courts respectively to be held in said county, on the last Monday in February annually, shall appoint three Commissioners in each county for the ensuing year, which three Commissioners, or any two of them, are hereby authorised to rent or lease, for a term not exceeding seven years, such part of the public grounds adjacent to their court-houses as the Court shall judge necessary for public use, and the monies arising from such rents or leases shall be accounted for and paid by the Commissioners to the County Courts respectively, and be applied by them to the use of the county; and the Commissioners appointed by virtue of this act are hereby empowered to regulate the stalls of tavern-keepers who may bring rum or other spiritous liquors on the public ground to sell: *Provided*, That if any of the Commissioners appointed as aforesaid, shall die, remove out of the county, or refuse to act, the Court shall appoint a Commissioner or Commissioners, to act in the room of him or them deceased, removed out of the county, or refusing to act.

II. *And be it further enacted*, That the Wardens of the poor in the county of Currituck are hereby authorised and empowered to lay a tax for the year one thousand seven hundred and ninety four and one thousand seven hundred and ninety-five, not exceeding four shillings on each taxable poll, and not more than one shilling and four-pence on each hundred acres of land in said county; and the Wardens of the poor in the county of Hyde are hereby empowered to lay a parish tax annually, not exceeding two shillings and six pence on each hundred pounds value of town lots, and two shillings and six pence on each taxable poll, or more than ten-pence on each hundred acres of land, in Hyde county; which taxes shall be collected and accounted for as other parish taxes, and shall be applied to the purpose of paying the parish debts and for the support of the poor in said counties.

III. *And be it further enacted*, That the Wardens of the poor for the aforesaid counties shall not be obliged to receive from the Sheriff or any other collector of parish taxes, any parish claim whatever.

IV. *And be it further enacted*, That the separate election held for the county of Currituck, at the house or plantation of Mr. Thomas Williams, on Knob's-island, shall in future be held on the Wednesday next preceding the second Thursday and Friday in August; and the election held at the house of Mr. Hezekiah Farrow, on Cape-Hatteras, shall in future be held on the Tuesday next preceding the first Friday and Saturday in August annually: *Provided always*, That the elections for the Wardens of the poor in the counties aforesaid shall be held at the court-house only, and on such days as have been appointed by law for that purpose.

V. *And be it further enacted*, That all clauses of acts that come within the purview and meaning of this act, be and they are hereby repealed and made void.

CHAP. LII.

An act to repeal part of an act passed at Hillsborough, in April, one thousand seven hundred and eighty four, entitled, "An act for clearing and opening the navigation of Trent river, in Jones county."

I. BE *it enacted by the General Assembly of the state of* North Carolina, *and it is hereby enacted by the authority of the same*, That so much of the first recited act as directs the clearing and opening of Trent-river, from John Bryan's cow-ford to the mouth of Tuckahoe, be and the same is hereby repealed and made void.

CHAP. LIII.

An act to repeal part of the seventeenth section of an act passed at Fayetteville, in the year one thousand seven hundred and eighty-six, entitled, "An act for establishing a militia in this state."

WHEREAS it is found inconvenient for the battalion on the east side of the Yadkin-river, in Rowan county, to muster at Wilson's old field, as specified in the said section:

I. *Be it therefore enacted by the General Assembly of the state of* North-Carolina, *and it is hereby enacted by the authority of the same*, That the said section, so far as relates to the battalion on the east side of the Yadkin-river mustering at Wilson's old field, be and the same is hereby repealed; and that in future the said battalion shall meet and muster in the town of Lexington, in the said county of Rowan.

CHAP. LIV.

An act to establish fairs in certain counties therein mentioned.

WHEREAS it hath been represented to this General Assembly, that the establishment of a fair at the Shallow-ford, in the county of Surry, and at the Brown-marsh, in the county of Bladen, would tend to the encouragement and promotion of industry and manufactures, and of general utility to the people in disposing of and exchanging their stocks, produce and other commodoties:

I. *Be it therefore enacted by the General Assembly of the state of* North-Carolina, *and it is hereby enacted by the authority of the same*, That a fair be established at such place at or near the Shallow-ford, in the county of Surry, as the Commissioners appointed

1793.

appointed by this act, or a majority, shall think proper and most convenient; to begin on the fourth Thursday in February, May, August and November, in each and every year, and to continue three days successively in each ensuing term.

II. *And be it further enacted*, That Francis Poindexter, Calvin Wheaton, William M'Pherson, Charles Hunt, William Sweatt, Philip Howard, Nathan Chaffin, senior, and Otman Kimbrough, be and they are hereby constituted and appointed managers of said fair, and to fix upon the place at or near the Shallow-ford as aforesaid, for the performing of the same.

III. *And be it further enacted*, That a fair be established at the place laid off for that purpose at Havering Bower, on the Brown-marsh, in the county of Bladen, to begin annually on the second Tuesdays in May and November, and to continue three days at each ensuing term.

IV. *And be it further enacted*, That James Cardy, Neill M'Coulskey, Captain Daniel Shaw, John M'Millan and John Taylor, be and they are hereby constituted and appointed managers of said fair, at the Brown-marsh; and in case of death, refusal to act, or removal of any of the said managers, a majority of the remaining managers may appoint another or others in his or their stead.

V. *And be it further enacted*, That all citizens of the United States shall have and enjoy the privileges of selling, bartering and exchanging their produce, manufactures and other commodities at the fairs hereby established, agreeable to the laws of this state and the regulations of the managers of the said fairs, instituted for that purpose.

CHAP. LV.

An act for establishing a town at the Narrows of Pasquotank-river, in the county of Pasquotank.

WHEREAS it hath been represented to this General Assembly that the establishing a town at the Narrows of Pasquotank-river, in the county of Pasquotank, on the lands of Adam Tooley, would be conducive to the welfare of the county aforesaid, and of public utility; and the said Adam Tooley, and his wife Elizabeth Tooley, having signified their consent to the same:

I. *Be it therefore enacted by the General Assembly of the state of* North-Carolina, *and it is hereby enacted by the authority of the same*, That John Lane, Isaac Sawyer, Timothy Culter, Baily Jackson and Benjamin Jones, or any three of them, be and they are hereby appointed Commissioners and Directors for the purpose of carrying on the said town, and they shall stand seized in an indefeasible estate in fee-simple in fifty acres of land, at the place aforesaid, to and for the use and intents hereby declared, by a good and lawful deed of conveyance made by the said Adam Tooley and wife unto the said Commissioners, or a majority of them, for the purposes aforesaid; and the ground so agreed for, to be laid off in half acre lots on the back ground, and quarter acre lots on the water, at such price for each lot as the said Commissioners, or a majority of them, may think proper, and streets not less than sixty-six feet in width for the front principal streets, and not less than thirty three feet in width for the side and cross streets; which lots and streets the said Commissioners are required to lay down in a regular plat, numbering the lots therein laid down, and shall be called by the name of Redding.

II. *And be it further enacted by the authority aforesaid*, That the Commissioners aforesaid, as soon as fifty lots shall be subscribed for, all the numbers of the lots of the said town shall be placed in one box, and the names of the subscribers in another, and when a name is drawn out and a number at the same time, his shall be the lot the number of which was drawn with his name, and the remaining numbers undrawn and unsubscribed, shall be vested in the said Commissioners for the use of said town: *Provided always*, That this act shall not have effect until a sufficient conveyance shall be executed to the Commissioners as aforesaid for the lands agreed for to lay out said town.

III. *And be it further enacted by the authority aforesaid*, That the said Commissioners, or a majority of them, are hereby empowered and required to grant a conveyance or conveyances for a lot or lots so drawn as aforesaid by the subscribers.

IV. *And be it further enacted by the authority aforesaid*, That if any of the Commissioners hereby appointed shall refuse to act, die, or remove out of the county, the surviving Commissioners shall be and are hereby empowered to elect one or more in the room of him or them so refusing, dying or removing; and those Commissioners so appointed, to have the same power and authority respecting the premises, as if they were appointed by the General Assembly.

CHAP. LVI.

An act to grant a separate general muster and a separate election in the county of Pasquotank.

WHEREAS it is represented to this General Assembly, by petition, that the peculiar situation of the inhabitants in the upper part of the said county, renders it very difficult and expensive, and often impossible, for them to attend at the court-house in said county, to give their suffrages for members to represent them in the Congress of the United States, and in the General Assembly of this state: For remedy whereof,

I. *Be it enacted by the General Assembly of the state of* North-Carolina, *and it is hereby enacted by the authority of the same*, That from and after the passing of this act it shall and may be lawful for the Sheriff of the said county, or any of his proper deputies, and he or any of them are hereby authorised and required, to open an election on the second Thursday of August annually, at some convenient house at the Narrows of Pasquotank-river, in the county aforesaid, for the convenience of the voters residing in the middle ground and in the upper part of the said county, under the same rules prescribed for holding general elections; and the ballots so taken shall be sealed up by the Inspectors of the poll, in the presence of the Sheriff or his deputy, and by them transmitted to the court-house at Nixonton, under the care of the said Sheriff or his deputy who held the said election; and the said ballots shall be counted out at the close of the election at the said court-house, and they are hereby declared to be a part of the election of said county: *Provided*, That nothing herein contained shall deprive any person or persons entitled to vote in said county, who have not given his vote, from giving his suffrage at the court-house, on the day or days of the general election of said county.

II. And whereas it is represented to this General Assembly, by petition, that it is inconvenient for the people in the upper end of said county to attend general musters at the town of Nixonton, in said county: *Be it therefore enacted by the General Assembly of the state of* North-Carolina, *and it is hereby enacted by the authority of the same*, That from and after the passing of this act, the county of Pasquotank shall be divided into two districts, the upper district shall consist of four companies belonging to the upper part of the said county, and that the place for holding the general muster in the said district shall be at the Narrows of Pasquotank river, under the same rules and regulations, and agreeable to the directions of the act establishing a militia in this state; and that the other district shall be composed of the remaining companies in the said county, and that the place for holding the general muster for the lower district shall be at the court-house, in the town of Nixonton, as hath been in use heretofore, under the same rules and regulations as other militia in this state, any thing to the contrary notwithstanding.

CHAP. LVII.

An act for laying out a town on the lands of Thomas Matthews, in the county of Moore, near the court house of said county.

WHEREAS it is represented to this General Assembly, that the laying out a town on the lands of Thomas Matthews, in Moore county, would tend to the advantage of the citizens of said county, and the said Thomas Matthews having signified his consent to have one hundred acres of land laid off for a town as aforesaid:

I. *Be it therefore enacted by the General Assembly of the state of* North-Carolina, *and it is hereby enacted by the authority of the same*, That the said one hundred acres of land be laid off in acre lots, and streets of out less than fifty feet wide nor more than one hundred, with convenient alleys, and the same is hereby constituted and established a town by the name of Alfordston.

II. *And be it further enacted*, That John Cameron, Jacob Gaster, Samuel Dun, Patrick Dowd and Duncan Patterson, be and they are hereby constituted Commissioners for designing and carrying on the said town, and they shall stand seized of an indefeasible estate in fee-simple in and to the said one hundred acres of land, for the use and purposes hereby declared; and the said Commissioners or a majority of them shall have full power and authority to meet as often as they shall think necessary for the purpose aforesaid.

1793.

III. *And be it further enacted,* That the Commissioners aforesaid shall have full power and authority to do every thing respecting the regulation of the town, apportioning and drawing the lots, taking conveyances as well as conveying the same, in such manner as they or a majority of them may think proper; and such regulations shall be as good and valid in law, as if the same were herein mentioned and particularly enumerated and described.

CHAP. LVIII.

An act to establish an inspection of tobacco on Dan river, at the mouth of Big-creek, on the land of Matthew Moore, in the county of Stokes, and for adding two more Trustees to those heretofore appointed for extending the navigation of Roanoke and Dan rivers.

I. BE *it enacted by the General Assembly of the state of* North Carolina, *and it is hereby enacted by the authority of the same,* That the County Court of Stokes shall appoint two discreet persons, well acquainted with the nature and quality of tobacco, to be Inspectors thereof, at the place aforesaid, who shall take the same oath, and be subject to the same rules, regulations and restrictions, and be entitled to the same benefits and emoluments, as other Inspectors of tobacco are subject and entitled to in this state: And all tobacco so inspected shall be held and deemed merchantable, as if the same had been inspected at any other inspection in this state.

II. *And be it further enacted by the authority aforesaid,* That as soon as the said Matthew Moore shall have compleated a ware-house for the reception of tobacco, at the mouth of the Big-creek as aforesaid, it shall and may be lawful for him to demand and receive such storage on tobacco inspected in the said ware-house, as has heretofore been received in the other ware-houses in this state.

III. *And be it further enacted,* That Matthew Moore and John Martin be and they are hereby appointed Trustees, in addition to those heretofore appointed by an act of the last General Assembly, entitled, "An act to amend the several acts in force relative to the extending the navigation of Roanoke and Dan rivers," and whose powers and authorities shall be the same in all respects whatever with those heretofore appointed, any thing to the contrary notwithstanding.

CHAP. LIX.

An act for laying out a town at the Saura-town Hill, in the county of Stokes, on the land of Peter Hairston.

WHEREAS it hath been represented to this General Assembly, that a town on the land of Peter Hairston, at the Saura-town Hill, in the county of Stokes, would be conducive to the welfare of that and the adjoining counties:

I. *Be it enacted by the General Assembly of the state of* North-Carolina, *and it is hereby enacted by the authority of the same,* That Charles M'Annaly, James Martin, David Dolton, John Halbert and Anthony Dearing, or a majority of them, be and they are hereby appointed Commissioners, to contract with the said Peter Hairston for fifty acres of land, and the ground so agreed for to lay off in half acre lots, at such price for each of the same as the Commissioners or a majority of them may think proper, and into streets not less than sixty-six feet in width; which lots and streets the said Commissioners are required to lay down in a regular plat, numbering the lots therein laid down; which ground so laid off shall be distinguished and known by the name of Hairstonborough.

II. *And be it further enacted by the authority aforesaid,* That the Commissioners aforesaid, as soon as a sufficient number of the said lots shall be subscribed for, all the numbers of the lots of the said town shall be placed in one box, and the names of the subscribers in another, and when the name being drawn out and a number at the same time, his shall be the lot the number of which was drawn with his name, and the remaining numbers undrawn and unsubscribed, shall be vested in the Commissioners for the use of said town: *Provided always,* That this act shall not have effect until the said Peter Hairston shall execute a sufficient deed to the Commissioners aforesaid, and to their successors, of the lands agreed for as aforesaid for the laying off the said town.

III. *And be it further enacted by the authority aforesaid,* That the Commissioners, or a majority of them, are hereby empowered to receive the same, and to grant a certificate of the lot or lots when drawn by the subscribers, which is hereby declared to vest in them respectively a good and sufficient title in law.

IV. *And be it further enacted by the authority aforesaid,* That if any of the Commissioners hereby appointed shall refuse to act, die, or remove out of the county, the surviving Commissioners shall be and they are hereby empowered to elect another in the room of him or them so refusing, dying or removing.

CHAP. LX.

An act to appoint Commissioners to contract for building a court house, prison and stocks in the city of Raleigh, and to alter the time of holding the Courts of Wake county.

WHEREAS it hath been represented to the General Assembly that it is the wish of the Justices of the Court of Wake county, that a court-house, prison and stocks, for the use of the said county, should be erected in the city of Raleigh, on the lots numbered eighty-three and ninety-nine, on Fayetteville street:

I. *Be it therefore enacted by the General Assembly of the state of* North-Carolina, *and it is hereby enacted by the authority of the same,* That Tignal Jones, Ransom Southerland, John Hinton, Nathaniel Jones, John Whitaker, John Humphriss, Theophilus Hunter, junior, James Hinton and Britain Sanders, or a majority of them, be appointed Commissioners for the purpose of contracting for the building of a court-house, prison and stocks in the city of Raleigh, for the use of Wake county.

II. And to defray the expence of building the court house, prison and stocks aforesaid, *Be it further enacted,* That it shall and may be lawful for the County Court of Wake to lay a tax, not exceeding four shillings on the poll, and a tax not exceeding one shilling and four-pence on each hundred acres of land, and a tax not exceeding four shillings on each hundred pounds value of town property in said county; which taxes, when collected, shall be paid to the Commissioners by this act appointed, for the purpose aforesaid; and the said Commissioners shall give bond, in the sum of four thousand pounds, to account with the Court of the said county for all monies which they may receive in virtue of this act: And if any surplus should remain in their hands after defraying the expence of the said buildings, it shall remain subject to the order of the County Court.

III. *And be it further enacted,* That when a majority of the Justices of Wake county shall judge that the court-house to be erected pursuant to this act is fit for their reception, they are hereby empowered to adjourn the Court of the said county to the said court-house, in the city of Raleigh, where the Courts of the said county shall thereafter be held.

IV. *And be it further enacted by the authority aforesaid,* That the Courts for the county of Wake shall hereafter be constantly held on the third Mondays in March, June, September and December, and all process returnable to the said Courts shall be returnable on the days aforesaid.

CHAP. LXI.

An act to establish a town and inspection of tobacco in Rockingham county, at the confluence of Smith and Dan rivers.

I. BE *it enacted by the General Assembly of the state of* North-Carolina, *and it is hereby enacted by the authority of the same,* That William Bethell, Abraham Phillips, Peter Terry, Nathaniel Seales, John Riggins and Joshua Smith, be and they are hereby appointed Commissioners, to contract for any quantity or number of acres of land contiguous to and most convenient for the establishment of a town at the confluence of Smith and Dan rivers; and as soon as they shall effect the same to proceed to lay off said land into lots, in such manner as they shall deem most convenient and necessary for the same; *provided* that no lot shall contain more than one half acre of land; and that as soon as said tract or parcel of land shall be laid off into lots, it shall be and the same is hereby established a town, and shall be called and known by the name of Danville.

II. *And be it further enacted by the authority aforesaid,* That the said Commissioners shall, as soon as convenient after laying off said town, proceed to sell the lots at public auction, giving ten days previous notice of the time of said sale, and to execute deeds of conveyance to the purchaser or purchasers for the same, in the name of the Commissioners; and the said Commissioners

Commissioners shall and they are hereby declared to have full power and authority to form such rules, regulations and restrictions, relative to the said town, as may from time to time be deemed expedient and necessary, not inconsistent with the constitution.

III. *And be it further enacted by the authority aforesaid*, That the said Commissioners, or a majority of them, shall and they are hereby declared to have full power and authority to act as such; and in case of resignation or refusal of any of the aforesaid Commissioners, that then and in that case it shall and may be lawful for the other said Commissioners to nominate and appoint some other person or persons to fill such vacancy, who shall have equal power and authority with the other said Commissioners, by this act appointed.

IV. *And be it further enacted*, That as soon as the said town shall be laid out as by this act directed, and a good and sufficient house or houses erected for the storage of tobacco, it shall and may be lawful for the County Court of Rockingham annually to appoint two discreet persons, well acquainted with the nature and quality of tobacco, to be Inspectors thereof, who shall take the same oaths, be subject to the same rules, regulations and restrictions, and be entitled to the same fees and emoluments as other Inspectors of tobacco within this state; and all tobacco so inspected at such inspection, shall be held and deemed merchantable, as if inspected at any other inspection within this state: And the Turners up shall be appointed in the same manner, and shall be entitled to receive the same fees, as Turners-up at other inspections within this state.

V. *And be it further enacted*, That it shall and may be lawful for the owner or owners of said ware-house to receive for the storage of tobacco the same fees as are demanded and received at any other ware-house within this state.

CHAP. LXII.

An act to empower the County Court of Johnston to lay a tax annually in the said county, for the purpose of repairing the court-house, prison and stocks, and defraying the contingent charges of the said county.

I. BE *it enacted by the General Assembly of the state of* North-Carolina, *and it is hereby enacted by the authority of the same*, That the said County Court of Johnston shall be authorised and empowered annually to lay a tax not exceeding four shillings on every poll, and a tax not exceeding one shilling and four-pence on each and every hundred acres of land, and a tax not exceeding four shillings on every hundred pounds value of town lots with their improvements, in the said county of Johnston, for the purposes aforesaid.

II. *And be it further enacted*, That the said taxes shall be collected by the persons appointed to collect the public taxes, and accounted for in the same manner and under the same restrictions as other public taxes.

CHAP. LXIII.

An act to amend an act, passed at Newbern, in the year one thousand seven hundred and seventy seven, entitled, "An act to encourage the building of public mills, and directing the duty of millers."

WHEREAS it is provided in the tenth section of the before recited act, that millers shall not take more toll for grinding than one sixth part of Indian corn, and one-eighth part of wheat, in the districts of Edenton, Newbern, Wilmington and Halifax, which is found to be more than sufficient in the districts of Halifax and Fayetteville:

I. *Be it therefore enacted by the General Assembly of the state of* North-Carolina, *and it is hereby enacted by the authority of the same*, That from and after the first day of May next, the millers in the districts of Halifax and Fayetteville shall not take more for grinding than one-eighth part of the Indian corn, and one eighth of wheat, any thing to the contrary notwithstanding.

CHAP. LXIV.

An act to divide the militia of Orange county into two separate regiments.

I. BE *it enacted by the General Assembly of the state of* North Carolina, *and it is hereby enacted by the authority of the same*, That the militia of Orange county shall be divided into two regiments, to wit, the companies of Captains Charles Christmass, James Christmass, Hodge Bird Griffin Wilson Carrington Cabe Forrester Rhodes Rilwell and Cummins, to compose the first regiment, and shall muster as usual at Hillsborough, and be called the Hillsborough regiment; and that all the militia of the said county of Orange, living on the south-west side of Haw-river and Stony-creek, together with all the militia who have heretofore mustered under Captains Hutson, Stockheart and Robison, to compose the second regiment, and shall in future hold their regimental musters at the house of Tobias Smith, and shall be called the Haw-river regiment.

II. *And be it further enacted*, That the commanding officer of each regiment in the county aforesaid, shall in every year cause regimental musters, agreeable to the militia law, to be made of their respective regiments at the places mentioned in this act.

CHAP. LXV.

An act to alter and confirm the names of certain persons therein mentioned.

WHEREAS Willis Upton hath signified his wish to this General Assembly to confirm the name of Hester Mercer, begotten by him the said Willis Upton before his intermarriage with Dinah Mercer: And whereas William Whiteside and John Cole hath also signified their wish that their names should be altered to that of William Franklin Whiteside, and to that of John Spruill:

I. *Be it therefore enacted by the General Assembly of the state of* North-Carolina, *and it is hereby enacted by the authority of the same*, That forever hereafter the said Hester Mercer shall be called and known by the name of Hester Upton, the said William Whiteside shall be called and known by the name of William Franklin Whiteside, and the said John Cole shall be called and known by the name of John Spruill.

II. *And be it further enacted*, That the said persons, agreeable to their names as above altered and confirmed, shall have, inherit, possess and enjoy any estate or property that may be devised to them, or either of them, by any person or persons whatever; and it shall and may be lawful for the said persons, by their names as now altered and confirmed, to sue and be sued, plead and be impleaded, in any Court of law whatsoever, and also to sell and purchase any property whatsoever.

III. And whereas it is the earnest request of William Borritz, of the county of Chowan, that his natural sons James and John shall be known and called by the name of James Borritz and John Borritz: *Be it therefore enacted by the authority aforesaid*, That the aforesaid James and John be known, distinguished and called by the name of John Borritz and James Borritz; and by that name shall take and claim any estate, either real or personal, which may be devised to them, in the same manner as if they had been born in wedlock; and by the same name shall and may inherit, have, possess and enjoy any estate or property that may be devised to them by any person or persons whatever.

CHAP. LXVI.

An act to appoint Commissioners for disposing of part of the ground appropriated for the use of the public buildings in the county of Person.

WHEREAS it is represented to this General Assembly, that the Commissioners heretofore appointed have procured six acres of land whereon to fix the said buildings, deeded to them in fee-simple for the use of the county, and some doubts have arisen with them whether they were empowered to make sale and convey deeds to any part thereof, and the disposing of one or more lots of said ground would contribute to the lessening the county tax:

I. *Be it enacted by the General Assembly of the state of* North Carolina, *and it is hereby enacted by the authority of the same*, That Stephen Moore, John Given, John Campbell, John Womack and Thomas Neely, Esquires, or any three of them, be authorised and empowered to survey the said six acres of land off in lots, (reserving a sufficiency of the same for the use of the public buildings, including the springs) and make sale of so much thereof, either in one or more lots, as to them shall seem most adviseable, which said Commissioners shall take bonds with sufficient security for the payment thereof, payable to them, for the use of the county.

II. And

1793.

II. *And be it further enacted by the authority aforesaid*, That the said Commissioners, or any three of them, are hereby authorised and empowered to convey by deed or deeds the said land or lands to the purchaser or purchasers, as the case may be, in fee simple, respectively, to them, their heirs and assigns forever, in as full and ample a manner as if the said lands had been originally conveyed to them for the purposes aforesaid: *Provided nevertheless*, That the said Commissioners shall first give bond with sufficient security, payable to the Chairman of the County Court and his successors, for the faithful accounting to the said Court for all monies received by them by virtue of their appointment, and the executing the trust reposed in them by this act.

III. *And be it further enacted by the authority aforesaid*, That if any of the Commissioners hereby appointed shall refuse to act, die, or remove out of the county, the surviving Commissioners shall be and they are hereby empowered, to elect another in the room of him or them so refusing, dying or removing; which said Commissioner or Commissioners so appointed shall from thenceforth have the same power and authority, in all things concerning the matters herein contained, as if he or they had been expressly nominated and appointed by this act.

CHAP. LXVII.

An act to establish fairs in the counties of Mecklenberg and Lincoln.

WHEREAS it hath been represented to this General Assembly, that establishing fairs at the court house in Mecklenberg and Lincoln counties would tend to encourage and promote industry and manufactures, and be of great utility to the people in disposing of and exchanging their stocks, produce and other commodities:

I. *Be it therefore enacted by the General Assembly of the state of* North-Carolina, *and it is hereby enacted by the authority of the same*, That a fair be established at the court house in Mecklenberg county, to begin annually on the third Wednesday in May and November, and to continue two days at each ensuing term.

II. *And be it further enacted*, That John Springs, Richard Mason, Charles Alexander, senior, Andrew M'Ree and George Smart, be and they are hereby constituted and appointed managers of the said fair at Mecklenberg court-house; and in case of death, refusal to act or removal of any of the said managers, a majority of the remaining managers may appoint another or others in his or their stead.

III. *And be it further enacted*, That a fair shall be established at the court house in the county of Lincoln, to begin annually on the second Tuesday in May and November, and continue two days at each ensuing term.

IV. *And be it further enacted*, That Daniel M'Kissick, John Fullenwider, Matthew Atkinson, Absalom Bonham and Christian Rhinehart, be and they are hereby constituted and appointed managers of the said fair, at the court-house in the county of Lincoln; and in case of death, removal, or refusal to act of any of the said managers, the remaining managers may appoint another or others in his or their stead.

V. *And be it further enacted*, That all citizens of the United States shall have and enjoy the privilege of selling, bartering and exchanging their produce, manufactures and other commodities at the fairs hereby established, agreeable to the laws of this state and the regulations of the managers of the said fairs instituted for that purpose.

CHAP. LXVIII.

An act to repeal so much of an act passed in the year one thousand seven hundred and eighty nine, entitled, "An act to empower the Wardens of the poor for the counties of Franklin, Orange and Surry to build a house or houses for the reception of the poor, and for amending the Wilmington town law," as respects the county of Franklin, and for appointing Commissioners to dispose of the poor house in the said county of Franklin.

WHEREAS in consequence of the before recited act the Wardens of the poor of Franklin county have proceeded to erect a house for the reception of the poor, which said house is entirely useless, and the desire of the people of said county is that said house should be sold:

I. *Be it enacted by the General Assembly of the state of* North Carolina, *and it is hereby enacted by the authority of the same*, That William Lancaster, Thomas Brickell and Daniel Jones, Esquires, be appointed Commissioners, who are hereby empowered and required to make sale of, in such manner as they may think best, the before mentioned house, and as much of the public lands whereon it stands as they may think proper, not exceeding one acre.

II. *And be it further enacted*, That the money arising from the sale of said house and land shall be applied to the use of the poor; and that so much of the before recited act as comes within the meaning of this act be repealed.

CHAP. LXIX.

An act for establishing an inspection of tobacco, flour, beef and pork, on the land of Matthew Brooks, at or near the Shallow-ford, in Surry county.

WHEREAS an inspection of tobacco, flour, beef and pork, at the Shallow-ford, on the Yadkin-river, in the county of Surry, will be highly advantageous to the good people in the town adjoining thereto, the neighbourhood and country in general:

I. *Be it therefore enacted by the General Assembly of the state of* North-Carolina, *and it is hereby enacted by the authority of the same*, That the County Court of Surry shall appoint two or more discreet persons, well acquainted with the nature and quality of tobacco, flour, beef and pork, to be Inspectors thereof, at the place where the said Matthew Brooks shall erect a ware-house, who shall take the same oath, and be subject to the same rules, regulations and restrictions, and be entitled to the same benefits and emoluments, as other Inspectors of tobacco, flour, beef and pork are subject and entitled to in this state; and all tobacco, flour, beef and pork, so inspected, shall be held and deemed merchantable, as if the same had been inspected at any other inspection in this state.

II. *And be it further enacted by the authority aforesaid*, That as soon as the said Matthew Brooks shall have completed a ware-house, for the reception of tobacco, flour, beef and pork, it shall and may be lawful for him to demand and receive such storage, for the produce so inspected, as has heretofore been received in other ware-houses in this state.

CHAP. LXX.

An act to establish a separate election and general muster in the county of Carteret.

WHEREAS it hath been represented to this General Assembly, by petition from a number of the inhabitants in said county, living between White-Oak-river and Newport-river, that it is almost impossible for them to attend elections and general musters at the court-house: For remedy whereof,

I. *Be it enacted by the General Assembly of the state of* North Carolina, *and it is hereby enacted by the authority of the same*, That from and after the passing of this act, the Sheriff of Carteret county, or his lawful deputy, shall annually on the last Thursday in July open and hold an election at the house or plantation of Hillery Harbert, Esquire, near Broad-creek, for the conveniency of the voters in the upper part of said county, under the same rules, regulations and restrictions as are prescribed by law for holding the separate election at Portsmouth, in said county: *Provided*, That nothing herein contained shall bar any person from voting at the election held at the court-house, that has not given his vote at one of the separate elections in said county.

II. *And be it further enacted by the authority aforesaid*, That from and after the passing of this act, all that part of Carteret county westward of Newport river, shall be formed into a separate district, and shall hold their general musters at the house or plantation of Hillery Harbert, Esquire, near Broad-creek, on such day as the Colonel or commanding officer of said county may appoint for that purpose, under the same rules and regulations as is directed by the militia laws of this state; and the Colonel or some one of the field-officers of the county aforesaid shall attend at the separate general muster appointed by virtue of this act, to make returns agreeable to law, any custom, usage or law to the contrary notwithstanding.

CHAP.

1793.

CHAP. LXXI.

An act to empower the County Court of Iredell to lay an additional tax to complete the public buildings of the said county, in the town of Statesville.

WHEREAS the tax heretofore laid in the county of Iredell has not been sufficient to defray the expence of the public buildings in the said county:

I. *Be it therefore enacted by the General Assembly of the state of* North Carolina, *and it is hereby enacted by the authority of the same,* That the County Court of Iredell shall have full power and authority to lay a further tax, not exceeding the sum of one shilling on every poll, and four-pence on every hundred acres of land, and one shilling on every hundred pounds value of town lots with their improvements, in the said county, for the year one thousand seven hundred and ninety-four, to enable the Commissioners of said county to finish the public buildings aforesaid; which said tax shall be collected and accounted for in the same manner to the said Commissioners, and under the same rules and regulations as public taxes are collected and accounted for.

II. *And be it further enacted,* That the said Commissioners, after said buildings are completed, shall account for all monies by them received to the Court of said county, and refund the overplus, if any, to the Treasurer of said county: *Provided nevertheless,* That two-thirds of the acting Justices of the said county be present when this tax shall be laid.

CHAP. LXXII.

An act for altering the name of William M'Farland to that of William Douglass.

WHEREAS it is the earnest request of William M'Farland, of Person county, that his name should hereafter be called and known by the name of William Douglass:

I. *Be it therefore enacted by the General Assembly of the state of* North-Carolina, *and it is hereby enacted by the authority of the same,* That from and after the passing of this act the name of William M'Farland shall be altered to that of William Douglass, and that he shall henceforth be called and known by the said name, and by the said name he shall and may sue and be sued, plead and be impleaded, in any Court of law or equity, and obtain and possess land and all other species of property, by will, devise, donation, grant, purchase or otherwise; and he may by his name aforesaid sell and dispose of land or other property already or hereafter to be acquired; and finally, in all things, the said William shall be able and capable in law or equity of negociating and transacting all manner of business, by his name herein before mentioned, in as full and ample manner as if he had been called and known by no other name from the time of his nativity, any law, custom or usage to the contrary notwithstanding.

CHAP. LXXIII.

An act to empower John Warrington, of Tyrrell county, to keep up a gate on the county road leading from Wynn's ferry to Hunt's creek, in said county.

WHEREAS it is represented to this General Assembly, by petition, that erecting and keeping up a gate on the public road leading through Will's Island to Hunt's Creek, would be advantageous to the inhabitants thereof:

I. *Be it enacted by the General Assembly of the state of* North-Carolina, *and it is hereby enacted by the authority of the same,* That John Warrington, or his heirs, are hereby authorised and empowered to erect and keep up a sufficient gate across the public road in the Great Swamp, to the westward of Will's Island.

II. *And be it further enacted,* That if any person shall pull down or destroy the aforesaid gate, when erected agreeable to this act, such person or persons shall forfeit for each offence the sum of three pounds, to be recovered before any Justice of the Peace in said county having cognizance thereof, one half to the use of him or them that shall sue for the same, and the other half to the use of the county; and if any person or persons shall leave the aforesaid gate open, they shall forfeit for every offence the sum of five shillings, to be recovered and applied in like manner, any law, usage or custom to the contrary notwithstanding.

Read three times and ratified, in General Assembly, the 11th day of January, Anno Domini 1794.

WILLIAM LENOIR, *S. S.*
J. LEIGH, *S. H. C.*

Copy,

J. GLASGOW, *Secretary.*

STATE of NORTH-CAROLINA.

A List of the Salaries of the Public Officers in this State for the year 1794.

TO his Excellency the Governor,	£.800
To the Secretary of State,	100
To the Private Secretary,	100
To each of the Judges of the Superior Courts of Law and Equity,	800
To the Attorney General for each Court he attends,	40
To the Solicitor General for each Court he attends,	40
To the Treasurer,	750
To the Clerk of the Treasury,	200
To the Comptroller,	£.500
To the Public Printer,	600
To each of the members of the Council of State for each day's attendance,	20s.
To the Clerk of the Council for each day he is employed,	20s.
To the Door Keeper of the Council of State for each day he is employed,	8s.

A List of all the Fees that are demandable by any Officer in the State, for any Service he is to perform.

To the Secretary of State.

For making out and recording each grant,	4s.
Certifying the suspension of a grant,	4s.
Copying and certifying a will,	4s.
Copying and certifying the record of a grant or patent,	4s.
Every commission for a place of profit,	8s.
Every search,	8d.
Every certificate,	1s.

To the Governor's Private Secretary.

For certifying the suspension of a grant,	2s. 8d.
Every testimonial,	5s.
Every commission for a place of profit,	8s.
A pilot's branch,	8s.
Affixing the great seal to a grant for land or other paper,	2s. 8d.

To the Attorney-General.

For every bill found,	26s. 8d.
Every bill returned ignoramus,	13s. 4d.

To the Solicitor General.

The same fees as are allowed to the Attorney-General.

To the Attornies at Law.

In any suit in equity,	£.10
Any suit in the Superior Court where the titles of land come in question,	5
All other suits originally commenced in the said Courts on the law side,	5
All appeals from any other Courts to the said Superior Courts,	5
All suits in the County Courts where the title of land shall come in question,	5
All other suits originally commenced in any of the said County Courts,	2
All appeals from the judgment of a Justice of the Peace to said Courts,	1

All suits where the state is a party, the same fees as the Attorney-General.

To the Clerk and Master in Equity.

For a report on an answer,	3s.
On a plea and answer,	4s.
On a demurrer and answer,	4s.
An affidavit to an answer,	1s. 6d.
An affidavit to a bill,	1s. 6d.
A separate affidavit,	2s.
For copying a report, by the office copy sheet,	2s.
A report stating an account, one per cent. on the amount of each account exhibited, where the account is made 500l. and one half per cent. for all sums over 500l. so as the same does not exceed the sum of 25l. for such service,	£.25
Copies of proceedings and exemplification, copy sheet,	2s.
Taking a bond,	1s. 6d.
Every rule given for service,	2s. 6d.
Every rule not for service,	1s. 3d.
Every subpœna, writ, or other process,	10s.
Every dedimus or commission,	5s. 4d.
Every injunction,	10s.
Drawing a decree by the copy sheet,	4s.
Enrolling a bill or answer by the copy sheet,	2s.
Entering a plea or demurrer,	2s.
Recording depositions to perpetuate testimony, copy sheet,	2s.
Every dismission,	2s.
Every search,	1s.
Taking security on a leading process,	2s.
Recording such bond,	2s.

To the Clerks of the Superior Courts.

For every leading process and all subsequent process, including dismission or final judgment, where it happens the first Court,	10s.
Every continuance after the second Court,	4s.
Every final determination, including all necessary services,	18s.
Every subpœna for no more than four witnesses,	2s.
Every execution or order for sale, including all services,	5s.
Every scire facias against the bail, including the fees for every service thereon,	8s.
Every copy of a record of any cause,	6s.
Every recognizance,	2s.
Every order or rule of Court,	2s. 8d.
Searching a record out of Court,	1s.
Every commission to take the examination of a feme covert or witness,	3s.
A special venire in ejectment,	8s.
A special verdict, demurrer, or motion in arrest of judgment and argument,	4s.
A writ of error, certiorari or appeal, with transcript of record,	8s.
A certificate,	8d.
Taking security on issuing a writ,	2s.
Recording such bond,	2s.
Advertising in the different counties the arrangement of suits on the docket for trial for each county in the district,	20s.

To the Clerks of the County Courts.

For every leading process returned to the first Court, including all services, together with dismission or final judgment,	10s.
Presentment or indictment,	6s.
Recognizance,	2s.
Continuance or reference after second Court,	3s.
The Court at which the cause is determined, including all services,	7s. 6d.
Every subpœna for no more than four witnesses,	1s. 6d.
Every execution or order for sale, including all services,	3s. 9d.
Scire facias against the bail, including all services,	6s.
Copy of a record of any cause,	4s. 6d.
Order or rule of Court foreign to any suit,	2s.
Taking the probate of a will, qualifying executor, recording and copying will, and granting certificate thereof,	8s.
Granting administration, taking bond and all other services thereon,	8s.
Proving and recording inventory, account of sales, or account current, exhibited by executor, administrator or guardian, or for search, copy and certificate of the same, if the estate be under 100l.	2s.
If above 100l.	4s.
Every marriage license and bond,	8s.
Ordinary license and bond and all services,	8s.
Tavern rates,	2s.
Searching a record out of Court,	1s.
Taking the probate or acknowledgment of a conveyance, certificate of registration, examination of feme covert without commission,	2s.
Commission to take the examination of a feme covert or witness in any cause,	2s. 4d.
A guardian or other bond taken in Court,	6s.
Apprentices indentures,	6s.
Special verdict, demurrer, or motion in arrest of judgment,	3s.
A writ of error or appeal with a transcript of the record,	8s.
Witness certificate,	8d.
Recording a mark or brand, and certificate,	1s.
Taking bond on issuing a writ,	2s.
Recording such bond,	2s.
All other services deemed ex officio, for which an allowance is to be made by the Court, not exceeding	£.20

To the Sheriff.

For every arrest or attachment levying,	5s. 4d.
Every bail bond,	2s.
Serving copy of a declaration,	1s.
A subpœna, for each person named therein,	2s. 8d.
Summoning each juror on a special venire,	2s.
Empanneling and attending on every jury on every cause in Court,	1s.
Executing a warrant of distress or an execution,	2½ per cent.
Pilloring a person,	5s.
Every commitment,	2s. 8d.
Every releasement,	2s. 8d.
Serving a writ of possession of land,	8s.
Calling every action in Court,	4d.
Serving and attending on any person on habeas corpus, per day,	15s.
Imprisonment of any person, and finding diet, per day,	1s. 6d.
For selling an intestate's estate to be allowed by the Court, so as such allowance does not exceed	2½ per cent.

To the Coroners.

For attending on every inquest, 24s.
All other services the same fees as the Sheriff would be entitled to for performing them.

To the Registers.

For registering each deed or grant and certificate, 4s.
Registering every other instrument of writing, 4s.
A copy of a grant or deed, 4s.
Every search, d.

To the Constables.

For serving every warrant, 4s.
Execution, 4s.
Summoning every witness, 2s.
Taking a bail bond, 1s.
Levying an attachment, 5s.
Each day's attendance on Court when summoned, 8s.
Whipping a negro by order of Court or Justice, 2s. 8d.

To the Rangers.

For entering each mare, horse or gelding, and granting certificate, 5s.
Entering each head of neat cattle, 2s. 6d.
of hogs or sheep, 1s.

To the Entry Takers.

For every entry, including all services, 4s.
Receiving and paying the Secretary's fees on the several entries, 5 per cent.

To the Surveyors.

For every survey containing 300 acres or less, 16s.
For every 100 acres above, 4s.

To the Inspectors.

For every barrel of flax seed of 7½ bushels, 1s.
cleaning the same, if required, 3s.
every barrel of beef or pork, 1s.
of flour, 6d.
of rice or butter, 8d.
of fish, 4d.
of tar, 2d.
of pitch or turpentine, 3d.
each 100 staves or heading, 3d.
1000 shingles, 3d.
1000 feet of boards, plank or scantling, 1s.
every hogshead of tobacco, 4s.
turning up the same, 3s.
each hundred weight of transfer, 6d.

A List of the Salaries and Fees of the Officers of the United States for the district of North-Carolina.

To the Judge of the District Court—Fifteen hundred dollars.

To the Commissioner of Loans—One thousand dollars.

To the Clerk of the District and Circuit Courts.

Such fees as are allowed to the Clerks of the Supreme Courts, and five dollars per day for his attendance on Court, and at the rate of ten cents per mile for his expences and time in travelling from the place of his abode to either of the said Courts; and for such services as are not performed by the Clerks of the Supreme Courts, and for which the laws of the state make no allowance, such allowance as shall by the Court in which such services shall be rendered, be judged a reasonable compensation therefor.

To the Attorney for this district.

The same fees as are allowed in the said Supreme Courts, and also the like compensation for travelling as is allowed to the Clerk of the District and Circuit Courts.

To the Marshall.

For the service of any writ, warrant or process in chancery, on each person, two dollars.

For his travel out in serving each writ, warrant, or process, five cents per mile, to be computed from the place of service to the Court where the writ or process shall be returned, and if more persons than one are named therein, the travel shall be computed from the Court to the place of service which is most remote, adding thereto the extra travel necessary to serve it on the other, provided that the fee for travel, where there is one person named in such writ, warrant, attachment or process, shall in no case exceed seven dollars, and when there are more than one, the fee for extra travel shall not exceed one dollar above seven dollars for each person.

For each bail bond fifty cents.

For selling goods and vessels condemned and receiving and paying the money, three per cent.

For every commitment or discharge of the prisoner, fifty cents.

For summoning witnesses, where he does it, each thirty cents.

For summoning a grand or petit jury, each three dollars.

For attending the District or Circuit Courts five dollars per day, and at the rate of ten cents per mile for his expence and time in travelling from the place of his abode to either of the said Courts.

For levying an execution, and for all other services not herein enumerated, such fees or compensations as are allowed in the Supreme Court of the state. [Act passed 8th May, 1792.]

To the Supervisor, Inspectors and Deputies.

Such allowance as the President of the United States shall deem reasonable and proper; provided that the said allowance shall not exceed seven and a half per centum of the total product of the duties on spirits distilled within the United States. [Passed 8th May, 1792.]

To the Collectors and Naval Officers.

For granting the first register or certificate of any ship or vessel for the coasting trade, two dollars.

For every subsequent one, one dollar and fifty cents.

For every certificate of enrolment, fifty cents.

For every license to trade between the different districts of the United States, or to carry on the bank or whale fishery for one year, fifty cents.

For every entry of inward cargo directed to be made, and for receiving of and qualifying to every manifest of vessels licensed to trade as aforesaid, sixty cents.

For a permit to land goods of a foreign growth or manufacture, twenty cents.

For every permit to the place of destination, twenty-five cents.

For taking bond required by the act passed September 1st, 1789, twenty cents.

For every entrance of any ship or vessel of one hundred tons burthen or upwards, two dollars and a half.

For every entrance of any ship or vessel under the burthen of 100 tons, one dollar and a half.

For every clearance of a ship or vessel under 100 tons burthen, one dollar and a half.

For a permit to land goods, twenty cents.

For every bond taken officially, forty cents.

For a permit to load goods for exportation which are entitled to drawback, thirty cents.

For every official certificate, twenty cents.

For every bill of health, twenty cents.

For every other official document, registers excepted, 20 cents.

To the Surveyors.

For the admeasurement of every ship or vessel of 100 tons or under, one cent per ton.

For the admeasurement of every ship or vessel above 100 tons, and not exceeding two hundred tons, one hundred and fifty cents.

For the admeasurement of every ship or vessel above 200 tons, two hundred cents.

For all other services to be performed on board any ship or vessel of 100 tons and upwards, and having on board goods, wares and merchandize subject to duty, three dollars.

For like services on board any ship or vessel of less than 100 tons, having on board goods, wares and merchandize subject to duty, one and a half dollar.

For services on board all vessels not having on board goods, wares and merchandize subject to duty, two-thirds of a dollar.

To the Inspectors.

For each day he shall be actually employed in aid of the customs, a sum not exceeding one dollar and twenty cents.

To the Measurers, Weighers and Gaugers.

For the admeasurement of every 100 bushels of grain, thirty cents.

For every hundred bushels of salt, forty cents.

For every hundred bushels of coal, fifty cents.

For every 112lb. weight, two cents.

For gauging and marking every cask, eight cents.

For computing the contents of and marking cases containing distilled spirits and wines, three cents per case.

For counting the number of bottles of cider, beer, ale or porter, one cent per dozen, and so in proportion.

See act passed August 4th, 1790.

In addition to which fees and emoluments to the officers employed in the collection of the duties of impost and tonnage, they shall severally have the respective allowances following:

The Surveyor of Wilmington, the yearly sum of one hundred dollars.

The Surveyors of Beaufort, Hertford, Winton, Bennet's-creek, Windsor, Skewarkey, Murfreesborough, Nixonton, Indian-Town, Currituck inlet, Pasquotank-river Bridge, and New-Beggin-creek, the yearly sum of eighty dollars each.

The Surveyor of Swansborough, the yearly sum of thirty dollars.

The Collector of the district of Wilmington, the yearly sum of one hundred and fifty dollars.

The Naval-Officer of the district of Wilmington, the yearly sum of fifty dollars.

The Collectors of the districts of Wilmington, Newbern, Washington, Edenton, Plank-Bridge and Beaufort, one half of one per centum on all the monies by them respectively received on account of the duties aforesaid. See act 8th May, 1792.

I, JAMES

I, JAMES GLASGOW, Secretary of the State, do certify, that pursuant to an act of the General Assembly, I have collected from the laws of this state, and of the United States (as far as in my power), "a complete list of all the "fees that are demandable by any officer in this state, for any service he is to perform, also the salaries of each officer "for the present year," of which the foregoing is a copy. In testimony whereof, I hereto set my hand, this third of March, 1794.

J. GLASGOW.

PUBLISHED BY ORDER OF THE GENERAL ASSEMBLY.

An act more effectually to provide for the national defence by establishing an uniform militia throughout the United States.

Sec. 1. BE *it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That each and every free able-bodied white male citizen of the respective states, resident therein, who is or shall be of the age of eighteen years, and under the age of forty-five years, (except as herein after excepted) shall severally and respectively be enrolled in the militia by the captain or commanding officer of the company, within whose bounds such citizen shall reside, and that within twelve months after the passing of this act. And it shall at all times hereafter be the duty of every such captain or commanding officer of a company to enrol every such citizen, as aforesaid, and also those who shall, from time to time, arrive at the age of eighteen years, or being of the age of eighteen years and under the age of forty five years (except as before excepted) shall come to reside within his bounds; and shall without delay notify such citizen of the said enrolment, by a proper non-commissioned officer of the company, by whom such notice may be proved. That every citizen so enrolled and notified, shall, within six months thereafter, provide himself with a good musket or firelock, a sufficient bayonet and belt, two spare flints, and a knapsack, a pouch with a box therein to contain not less than twenty-four cartridges, suited to the bore of his musket or firelock, each cartridge to contain a proper quantity of powder and ball: or with a good rifle, knapsack, shot-pouch and powder horn, twenty balls suited to the bore of his rifle, and a quarter of a pound of powder; and shall appear, so armed, accoutred and provided, when called out to exercise, or into service, except, that when called out on company days to exercise only, he may appear without a knapsack. That the commissioned officers shall severally be armed with a sword or hanger and espontoon, and that from and after five years from the passing of this act, all muskets for arming the militia as herein required, shall be of bores sufficient for balls of the eighteenth part of a pound. And every citizen so enrolled, and providing himself with the arms, ammunition and accoutrements required, as aforesaid, shall hold the same exempted from all suits, distresses, executions or sales, for debt or for the payment of taxes.

Sec. 2. *And be it further enacted,* That the Vice-President of the United States; the officers judicial and executive of the government of the United States; the members of both houses of Congress, and their respective officers; all custom-house officers with their clerks; all post-officers, and stage-drivers, who are employed in the care and conveyance of the mail of the post-office of the United States; all ferrymen employed at any ferry on the post-road; all inspectors of exports; all pilots; all mariners actually employed in the sea service of any citizen or merchant within the United States; and all persons who now are or may hereafter be exempted by the laws of the respective states, shall be, and are hereby exempted from militia duty, notwithstanding their being above the age of eighteen, and under the age of forty-five years.

Sec. 3. *And be it further enacted,* That within one year after the passing of this act, the militia of the respective states shall be arranged into divisions, brigades, regiments, battalions and companies, as the legislature of each state shall direct; and each division, brigade, and regiment, shall be numbered at the formation thereof; and a record made of such numbers in the adjutant-general's office in the state; and when in the field, or in service in the state, each division, brigade and regiment, shall respectively take rank according to their numbers, reckoning the first or lowest number highest in rank. That if the same be convenient, each brigade shall consist of four regiments; each regiment of two battalions; each battalion of five companies; each company of sixty-four privates. That the said militia shall be officered by the respective states, as follows: To each division, one major-general and two aids-de-camp, with the rank of major; to each brigade, one brigadier-general, with one brigade-inspector, to serve also as brigade major, with the rank of a major; to each regiment, one lieutenant colonel commandant; and to each battalion one major; to each company one captain, one lieutenant, one ensign, four serjeants, four corporals, one drummer and one fifer or hugler. That there shall be a regimental staff, to consist of one adjutant and one quarter-master, to rank as lieutenants; one paymaster; one surgeon and one surgeon's mate; one serjeant-major; one drum major, and one fife-major.

Sec. 4. *And be it further enacted,* That out of the militia enrolled, as is herein directed, there shall be formed for each battalion at least one company of grenadiers, light-infantry or riflemen; and that to each division, there shall be at least one company of artillery, and one troop of horse: there shall be to each company of artillery, one captain, two lieutenants, four serjeants, four corporals, six gunners, six bombardiers, one drummer and one fifer. The officers to be armed with a sword or hanger, a fusee, bayonet and belt, with a cartridge-box to contain twelve cartridges; and each private or matrose shall furnish himself with all the equipments of a private in the infantry, until proper ordnance and field artillery is provided. There shall be to each troop of horse, one captain, two lieutenants, one cornet, four serjeants, four corporals, one saddler, one farrier, and one trumpeter. The commissioned officers to furnish themselves with good horses, of at least fourteen hands and an half high, and to be armed with a sword, and pair of pistols, the holsters of which to be covered with bearskin caps. Each dragoon to furnish himself with a serviceable horse, at least fourteen hands and an half high, a good saddle, bridle, mail-pillion and valise, holsters, and a breast-plate and crupper, a pair of boots and spurs, a pair of pistols, a sabre, and a cartouch-box, to contain twelve cartridges for pistols. That each company of artillery and troop of horse shall be formed of volunteers from the brigade, at the discretion of the commander in chief of the state, not exceeding one company of each to a regiment, nor more in number than one-eleventh part of the infantry, and shall be uniformly cloathed in regimentals, to be furnished at their own expence; the colour and fashion to be determined by the brigadier commanding the brigade to which they belong.

Sec. 5. *And be it further enacted,* That each battalion and regiment shall be provided with the state and regimental colours by the field-officers, and each company with a drum and fife or bugle-horn, by the commissioned officers of the company in such manner as the legislature of the respective states shall direct.

Sec. 6. *And be it further enacted,* That there shall be an adjutant-general appointed in each state, whose duty it shall be to distribute all orders from the commander in chief of the state to the several corps; to attend all public reviews when the commander in chief of the state shall review the militia, or any part thereof; to obey all orders from him relative to carrying into execution and perfecting the system of military discipline established by this act; to furnish blank forms of different returns that may be required, and to explain the principles on which they should be made; to receive from the several officers of the different corps throughout the state, returns of the militia under their command, reporting the actual situation of their arms, accoutrements and ammunition, their delinquencies and every other thing which relates to the general advancement of good order and discipline: All which the several officers of the divisions, brigades, regiments and battalions, are hereby required to make in the usual manner, so that the said adjutant-general may be duly furnished therewith: From all which returns, he shall make proper abstracts, and lay the same annually before the commander in chief of the state.

Sec. 7. *And be it further enacted,* That the rules of discipline, approved and established by Congress, in their resolution of the twenty-ninth of March, one thousand seven hundred and seventy-nine, shall be the rules of discipline to be observed by the militia throughout the United States, except such deviations from the said rules as may be rendered necessary by the requisitions of this act, or by some other unavoidable circumstances. It shall be the duty of the commanding officer at every muster, whether by battalion, regiment or single company, to cause the militia to be exercised and trained agreeably to the said rules of discipline.

Sec. 8. *And be it further enacted,* That all commissioned officers shall take rank according to the date of their commissions; and when two of the same grade bear an equal date, then their rank to be determined by lot, to be drawn by them before the commanding officer of the brigade, regiment, battalion, company or detachment.

Sec.

Sec. 9. And be it further enacted, That if any person, whether officer or soldier, belonging to the militia of any state, and called out into the service of the United States, be wounded or disabled while in actual service, he shall be taken care of and provided for at the public expence.

Sec. 10. And be it further enacted, That it shall be the duty of the brigade inspector, to attend the regimental and battalion meetings of the militia composing their several brigades, during the time of their being under arms, to inspect their arms, ammunition and accoutrements; superintend their exercise and manœuvres, and introduce the system of military discipline before described throughout the brigade, agreeable to law, and such orders as they shall, from time to time, receive from the commander in chief of the state; to make returns to the adjutant-general of the state, at least once in every year, of the militia of the brigade to which he belongs, reporting therein the actual situation of the arms, accoutrements and ammunition of the several corps, and every other thing which in his judgment may relate to their government and the general advancement of good order and military discipline; and the adjutant general shall make a return of all the militia of the state, to the commander in chief of the said state, and a duplicate of the same to the President of the United States.

And whereas sundry corps of artillery, cavalry and infantry, now exist in several of the said states, which by the laws, customs or usages thereof have not been incorporated with, or subject to the general regulations of the militia:

Sec. 11. Be it further enacted, That such corps retain their accustomed privileges, subject, nevertheless, to all other duties required by this act in like manner with the other militia.

JONATHAN TRUMBULL, *Speaker of the House of Representatives.*
RICHARD HENRY LEE, *President pro tempore of the Senate.*

APPROVED, May eighth, 1792.

G. WASHINGTON, *President of the United States.*

A BILL to equalize the land tax, by electing three Commissioners in each county of the state to value all lands in the respective counties for which they are elected.

BE *it enacted by the General Assembly of the state of* North-Carolina, *and it is hereby enacted by the authority of the same,* That the Sheriffs of the several counties within this state shall give at least twenty days notice by advertisement, at the most public places, notifying all freeholders to attend at the court-houses respectively, on the day of next, for the purpose of choosing three Commissioners in each of their counties; and which elections shall be held one day, and be conducted under the same rules, regulations and restrictions, as elections are in choosing members of the legislature: Which Commissioners when so elected shall proceed to value the taxable land in the county for which they shall be elected; but previous to entering on the duty enjoined by this act each of them shall take the following oath: "I, A. B. do solemnly swear or affirm, (as the case may be) that I will do my endeavours to obtain a true return of all taxable land within the county for which I am appointed, and that I will value every separate tract to such sum as I think it would sell for in silver dollars, at twelve months credit; and in order to assist my judgment in such valuation, I will do my endeavour from time to time to learn the sum each tract of land is estimated at in the neighbourhood where such land lies; and that I will, during my continuance as a Commissioner, faithfully perform the duty enjoined by this act, according to the best of my skill and ability, without partiality, favour or affection to any person or persons whatsoever. SO HELP ME GOD."

And be it further enacted by the authority aforesaid, That the Commissioners in their respective counties shall have full power and authority to require any Constable or Constables in said county, to summon all freeholders, their agents or attornies, guardians; and all and every person and persons, who hold lands by entry or otherwise, which is liable to taxation by the existing tax law of this state, to appear at the muster ground of the militia company where such persons reside, then and there to make due return of all taxable lands which every such person holds; which return shall set forth the number of acres in each tract, the water courses that it lies on, and by whom bounded, to be sworn to by the person making the same that it is just and true: Which oath any one of the Commissioners is hereby authorised to administer. And that every person or persons summoned to make their return as aforesaid, shall be subject to the following penalties, viz. for neglecting or refusing to make return, &c. the sum of pounds, to be recovered before any jurisdiction having cognizance thereof; for making a false return upon oath, the sum of pounds; which sum shall be sued for and recovered as aforesaid, in the name of the Governor, and applied one half to the use of the informer, and the other half to the use of the state: And further, it shall be the duty of the said Commissioners to see the law put in force and have its effect upon all those failing or refusing as aforesaid.

And be it further enacted by the authority aforesaid, That the said Commissioners, upon receipt of the return as aforesaid, shall proceed to ascertain the real value in dollars of each tract, without any regard to the houses thereon, and the owner's name shall be entered in a book alphabetically kept for that purpose, the number of acres in each tract, and the valuation thereof in a column opposite or underneath such owner's name: *Provided always,* That the agreement of two Commissioners upon the value of any tract of land shall be good and sufficient to establish the price thereof: But where it shall so happen that all three are of different opinions, in that case they shall add their three different values of such tract together, and then divide from such whole sum one-third part thereof, which shall be considered and set down in the said book as the full value of said land. All which when fully compleated by the said Commissioners, they shall return the said book to the Clerk of their Court respectively, on or before the day of next, under the penalty of pounds, recoverable in any Court of record in this state, one half to the use of the person or persons suing for the same, and the other half to the use of the state. And the Clerk as aforesaid shall and is hereby requested to receive the said book of returns, certified under the hands of the Commissioners, and lodge the same in his office, and shall make out a fair copy with a large margin thereto, for a perpetual rule for laying of taxes on every tract of land agreeable to the value thereof. And it shall further be the duty of the Clerks respectively to make annual returns to the Comptroller's-office, which returns shall set forth the value of the land in his county, and shall also make out a duplicate containing the persons names, the value of each tract, and deliver the same annually to the person or persons appointed to collect public taxes for that year, under the same rules, regulations and penalties as have heretofore been prescribed by law in either of the above cases; for which he shall receive from the County Court such allowances, from time to time, for such services, to be paid out of the county tax, as they shall think proper and sufficient.

And be it further enacted by the authority aforesaid, That it shall be the duty of the Entry-takers respectively, to make annual returns to the Commissioners of all lands which have been entered in their offices three months, and which have not been caveated; and the first return shall be on or before the first day of May, 1795, and shall contain all lands entered in their offices not valued by the Commissioners in the preceding year, and all other returns shall be on or before the first day of May in each and every year thereafter: And the Commissioners of the county wherein such land lies respectively, upon receipt of the return from the Entry-taker, shall immediately proceed to value such land, not before valued, under the same rules, regulations and restrictions, as are provided in the first part of this act; and the Clerk also is required to proceed in the same manner as has been prescribed, and annex such returns to the book lodged in his office; whose duty it shall further be, in all cases where any conveyance of land is made, to set down the name of the bargainee in an alphabetical book in his office, to be kept for that purpose separate from that returned by the Commissioners, also the value fixed upon that land by the assessors in a column opposite or underneath such person's name; and shall also note in the margin of the first book that the same bargain is sold, so that it may fully appear that the bargainee is liable for the tax. And in all cases where the owner of any tract of land fails to pay the taxes thereof, then and in that case the land shall be held for the payment of such taxes, agreeable to the valuation thereof.

And be it further enacted, That where the division of any county takes place, it shall be the duty of the Clerk of the Court in such new county to apply to the Clerk's-office of the county or counties from which such new county was taken, for a copy of the valuation of the land of those that fell in the new county that are liable to taxation, which the Clerk or Clerks of such old counties shall give, certified under their hands, and note the same in the margin of their return book respectively, and shall not return the same so given out from their respective offices to the Comptroller's-office when they make their next annual return. And again where there is an addition to one county, taken from another, the Clerk of the Court in such county to which such

addition

addition is made, shall apply to the Clerk of the county from which such part is taken, for a certificate of the valuation of the lands of those who fell in his county; and they both then shall conduct themselves under the same rules and regulations as is prescribed where a division of counties takes place.

And be it further enacted by the authority aforesaid, That each of the Commissioners so appointed by this act, shall make his return of all taxable land upon oath to the other two Commissioners, which two Commissioners shall proceed to value the land of him who made such return; and in case they disagree they shall add their two different valuations together, and then the one half of which whole sum shall be the valuation of such land; and so alternatively if occasion require. And where a return is made to any of the Commissioners respectively, and such land is situated in some other county, then and in that case it shall be the duty of the Commissioner taking such return, to transmit the same to the Commissioners of the county where such land lies, and the Commissioners of said county, upon receipt of such return, shall proceed to value the land, and make return thereof, certified under their hands and seals, to the Commissioners of the county where the owner of such land so valued resides; and the Commissioners of the county aforesaid, after receiving the certificate of such valuation so certified, shall enter the same in their return book as before directed: *Provided*, That all citizens of other states owning land in this state, shall make a return thereof, either by themselves or their agent, in the county where such land lies.

And be it further enacted by the authority aforesaid, That in case of death, removal or resignation of any of the Commissioners appointed, it shall be the duty of the Sheriff of the county wherein such vacancy happens, to give ten days previous notice by advertisement, requiring the freeholders to fill such vacancy by election; and the Commissioner or Commissioners so appointed shall take the oath required by this act, and shall thereafter be possessed of the same powers as Commissioners appointed by virtue of this act. And all such Commissioners shall be entitled to receive as a compensation for their services, the sum of shillings for every thousand acres of land by them so assessed, each first making oath to the justness of his account; which account shall be countersigned by one of the other Commissioners, and certified by the Clerk of the Court; which certificate the Sheriff is requested to take in, and shall be allowed for the same in his settlement of county taxes.

And for raising a sum adequate to discharge the same, *Be it further enacted*, That for the year 1794, a tax of on every hundred acres of land, shall be collected for the purpose of making compensation to the Commissioners, for their trouble and expence for valuing and making returns of lands agreeable to the spirit of this act. And after the return of the valuation by the Commissioners, the land tax throughout this state shall ever after be laid at such sum as the exigencies of government may require for every hundred pounds value, and so in proportion for a greater or less sum. And that all acts and clauses of acts, which come within the purview and meaning of this act, be and the same are hereby repealed and made void after the day of next.

CONTENTS.

Page.

An act to carry into effect an act of Congress, entitled, "an act more effectually to provide for the national defence, by establishing an uniform militia throughout the United States;" also to amend an act, passed at Fayetteville, in the year one thousand seven hundred and eighty-six, entitled, "an act for establishing a militia in this state." 1

An act for altering the time of the next annual meeting of the General Assembly of this state. 2

An act to prevent the introduction and communication of contagious diseases. ib.

An act to alter and amend the act for the benefit of insolvent debtors. 3

An act to extend the right of trial by jury to slaves. 4

An act more effectually to provide against corrupt elections of Members of the General Assembly and Sheriffs, and to direct when Justices shall qualify. ib.

An act for the more speedy and effectual collection of the arrears of taxes, and of other monies and certificates now due, or which shall hereafter become due and payable to the state. 5

An act directing the manner of proceeding against the several officers therein mentioned. 6

An act for raising a revenue for the payment of the civil list and contingent charges of government for the year one thousand seven hundred and ninety-four. 7

An act for classing the Justices, for the purpose of holding the several County Courts of Pleas and Quarter-Sessions in this state. ib.

An act to repeal part of the fifth section of an act of the General Assembly, passed at Fayetteville, in the year one thousand seven hundred and eighty-nine, entitled, "an act to establish an university in this state." 8

An act to authorise the several County Courts in this state to establish inspections at such places as they may think proper in their respective counties. ib.

An act to repeal an act passed in the year one thousand seven hundred and eighty-seven, entitled, "an act directing the duty of naval officers, and of all masters of vessels coming into any of the ports or inlets of this state. ib.

An act to amend an act, entitled, "an act to compel certain officers therein mentioned to publish the application of public money and allowances for insolvents." ib.

An act to amend an act for ascertaining the duties and salary of the public printer, and to repeal part of the seventh section of an act passed at Edenton, in the year one thousand seven hundred and twenty-nine, entitled, "an additional act to an act for appointing toll-books, and for preventing any person from driving horses, cattle or hogs to other persons land." 9

An act to amend such parts of the act, entitled, "an act for establishing Courts of law, and for regulating the proceedings therein," as may relate to proceedings on attachments; and for amending an act for making process in equity effectual against persons who abscond and who reside without the limits of the state, and for better regulating the proceedings in the Court of Equity. ib.

An act to empower the Wardens of the poor in the several counties within the state to lay a further tax for the support of the poor, and for electing Wardens of the poor where none have been elected agreeably to law. 11

An act directing in what case Sheriffs shall sell the estate of deceased persons, and to repeal part of an act, passed in the year one thousand seven hundred and twenty three, as to the manner of advertising the sales of the estates of deceased persons. ib.

An act for limiting what value suits may be commenced in the Superior Courts. ib.

An act to repeal an act, entitled, "an act for laying a tonnage on vessels for the purpose of deepening the Swash channel, near Ocacock Bar." 12

An act to amend and explain the fifth section of an act passed at Fayetteville, in the year one thousand seven hundred and eighty-nine, chapter thirty-nine, entitled, "an act to amend an act, entitled an act, directing the mode of proceeding against the real estate of deceased debtors, where the personal estate is insufficient for the payment of the debts." ib.

An act to amend part of an act, entitled, "an act to prevent any person who now does, or who may hereafter, hold any office, appointment or authority under the federal government, from being eligible to a seat in the General Assembly of this state, and to prevent any person from holding or exercising any office or appointment under the authority of the said state, so long as they continue to hold or exercise any office or appointment under the authority of the United States," as relates to the Senators and Representatives vacating any commissions they may hold as Justices of the Peace. ib.

An act to compel the Entry-takers of the several counties in this state to give bond and security every two years hereafter, for the faithful performance of their duty, and to repeal so much of an act passed at Hillsborough, one thousand seven hundred and eighty-four, as authorises any person unwilling to pay taxes for their land to make a surrender of such land